

CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 14 January 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION MEETING AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION

1. Oak Hill Estate Plat E Proposed Zone Change (*please visit site prior*) *see attachment*

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW

2. General Plan *bring copy passed out previously*

PLANNING COMMISSION BUSINESS

3. City Council Update
4. Review and approve minutes of 12/10/09 Commission Meeting *see attachment*
5. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 7 January 2010 and delivered to each member of the Planning Commission on 7 January 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 7 January 2010

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ELK RIDGE PLANNING COMMISSION MEETING

January 14, 2010

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, January 14, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Jason Bullard, Paul Squires, Kevin Hansbrow, Kelly Liddiard, Dayna Hughes
Absent: John Houck
Others: Shawn Eliot, *City Planner*
Marissa Bassir, *Planning Commission Coordinator*
Sean Roylance, *City Council*. Ken Lutes, *mayor*, Bob Allen, *MAG*, Tyson Stevens, Fred Gowers, Nelson Abbott

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

APPROVAL OF AGENDA

There were not any changes made to the agenda.

PUBLIC HEARING AND ACTION

OAK HILL ESTATE PLAT E PROPOSED ZONE CHANGE

Dayna Hughes, chair, opened the public hearing at 7:09 pm.

Shawn Eliot explained the proposed zone change is located on Hillside Drive just east of Mahogany Way. The lot was subdivided a little over two years ago by RL Yergensen. When it was subdivided, the zone was not considered. The lot is divided down the middle between two zones, HR-1 zone and R-1-15,000 zone. The R-1-15,000 zone allows 1/3 acre lots and there aren't as many restrictions towards grading – cuts and fills. The HR-1 zone only allows 1-acre lots and there are more limitations on cuts and fills. The indicated lot is 1 ½ acres. If it was on flat ground and in the R-1-15,000 zone, there could probably be close to three lots, but it isn't on flat ground. Mr. Eliot showed the lot on Google earth where the commission could see the actual size and grade of the lot. There has been a driveway created on the lot where it leads to a flat ground for a building. The applicant is proposing to change the entire lot to the R-1-15,000 zone. In the future, the applicant is looking to subdivide into, at least, two lots. The downside of changing the zone is that there isn't the protection of the HR-1 zone, as far as cuts and fills. The characteristics of the lot have already been dug up on the lower part of the lot.

Mr. Fred Gowers, applicant, provided a background of the lot. The lot was established in the subdivision created in 2006 and the applicant also purchased the lot from Mr. Yergensen in 2006. The building pad was already graded at the time. He explained that the lot was previously zoned as the CE-1 zone. In 2008, the HR-1 zone was created and the CE-1 zone on the lot was then changed to the HR-1 zone. The applicant had, originally, planned on building one single-family home on the lot, but times have changed and he would like to subdivide to make two lots to recover some costs. Mr. Gowers claims the CE-1 zone was originally, covering a small portion of the back corner of his lot and then the HR-1 zone was created and the boundaries were changed to where it went right in the middle of his lot.

Shawn Eliot indicated that he didn't think the boundaries changed, but would do some research of old zone maps.

Tyson Stevens asked if the zone's acreage requirement had changed.

Shawn Eliot indicated the CE-1 zone was written for 1-acre lots.

Tyson Stevens said there seems to be a contradiction if there is a one-acre requirement for the zone and there is a 1 ½ acre lot that was created.

Mr. Gowers indicated there are only 3 areas on the lot where a home could be built because of the hillside terrain and requirements. He also indicated there isn't a need to disturb the native vegetation.

Dayna Hughes closed the public hearing at 7:21 pm.

Kelly Liddiard questioned the slope on the backside of the lot and where the house would be located with the large rock wall that Mr. Yergensen built.

Mr. Gowers answered that there couldn't be a home built on the backside of the lot.

Kelly Liddiard then countered that Mr. Gowers indicated that he would build two homes and asked where the second home would be located if the first home was built on the already created building pad.

Mr. Gowers showed on the map where a home could be built.

Shawn Eliot then asked Mr. Gowers where the driveway would be located to get to lot 1B.

Mr. Gowers said he had been working on a preliminary plat and he showed one of the ideas he had. The upper lot could have a circular driveway on 100-foot tongue of that lot going west or the driveway could be brought from the northeast corner across the face and across another face with a similar circular driveway.

Kevin Hansbrow asked if there was a maximum length on a driveway.

Shawn Eliot indicated there has to be a fire hydrant within 250 feet. There can't be more than 500 feet from the road to the back of the house. He thinks Mr. Gowers would be within it.

Jason Bullard confirmed that the lot was 1 1/2 acres. If he changed the zoning, he asked how many lots he could technically fit.

Shawn Eliot answered that under the code, he could fit three. However, with the slopes, it physically won't work.

Jason Bullard asked if the zone was changed, if that relaxes that part of it – that he could go and chop it up and make another lot?

Shawn Eliot indicated that there has to be a 100-foot frontage for each lot on a city street. His lot is too deep and he wouldn't be able to get all those frontages. There isn't any way he could get three lots, unless there were flag lots, which the city doesn't allow.

Mr. Gowers indicated that there could be more lots if the hill was eliminated.

Kelly Liddiard was concerned about the slopes of the lot and whether he was going to cut through the slopes to build another lot.

Mr. Gowers said the slopes are too steep and it is impractical to try to build anything there.

Kelly Liddiard asked if there are such steep slopes, then why they would take it out of the hillside zone.

Mr. Gowers indicated that the steep slopes of that hill are not within the HR-1 zone.

Jason Bullard questioned the driveway situation because putting in a circular drive – technically, there would be two lot owners using the same drive, which it would be like a flag lot.

Kevin Hansbrow questioned the grade of the driveway. There would be a lot of cutting to get the maximum grade of 12%.

Mr. Gowers indicated that either of the driveways could be done between 6-8% grades.

Kelly Liddiard said the other option is to build one home on the Hillside Drive side and leave the rest.

Mr. Gowers indicated that the way he is going is to subdivide into two lots. He hasn't quite decided what he will be doing for the lot yet.

Dayna Hughes pointed out that the discussion of the subdivision shouldn't even be brought up at this point because a subdivision would have to go through the planning commission later.

Shawn Eliot explained the only reason it was brought up is because it has to be decided to relax the rules and regulations with the HR-1 zone not knowing what is going to be built. Yet, most of the lot has already been dug up.

Paul Squires explained that when Mr. Gowers purchased the lot, he asked if Mr. Yergensen had sold under the pretenses that it was already re-vegetated. Because that property is not in compliance yet.

Mr. Gowers said that Mr. Yergensen had told him that he had re-seeded the areas that had been graded. He didn't say it was re-vegetated, he said it was re-seeded.

Paul Squires said Mr. Yergensen had told the commission that he would re-vegetate it and it was discovered to not be done at this point.

Further discussion took place about the devastation of the hill and the vegetation.

JASON BULLARD MOTIONED AND KEVIN HANSBROW SECONDED TO DENY THE REQUEST TO CHANGE THE ZONE FROM HR-1 ZONE TO R-1-15,000. VOTE: YES – ALL, NO – NONE, ABSENT – JOHN HOUCK

94 Jason Bullard explained he denied the request because the planning commission cannot guarantee, if the zone is changed, what will
95 happen to that hill and how many lots will be allowed. It cannot be guaranteed of how much the hill will be destroyed to make those lots
96 work.

97 Kevin Hansbrow further explained that to get a driveway to work for lot 1B, it would create further scarring of the hillside, which has
98 already been dug up.

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100 **GENERAL PLAN REVIEW**

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102 Previously, the general plan was sent home with the commissioners and they came back with their corrections and suggestions. Minor
103 changes were made to the document, such as grammar, spelling, and errors.

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105 It was discussed that there would be an open house to the public on February 11, 2009 and the Public Hearing will be held on
106 February 25, 2009.

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109 **CITY COUNCIL UPDATE**

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111 Sean Roylance said at the past Tuesday meeting, there was an audit presentation. In Sean's opinion, he thought it was good news that the
112 city's budget is going according to plan. A year ago there was a significant withdrawal from savings to balance the budget. This year,
113 the budget is on pace so that won't have to happen. The mayor is spear-heading many cost-saving things where the city will, potentially,
114 have \$100k or more surplus this year to put back into savings, even with a limited income compared to years past. Sean asked if the
115 planning commission would like to change the meeting schedule to once a month and the planning commission agreed. It will be the 2nd
116 Thursday of each month, except for February, there will be two meetings scheduled. The other topic of discussion was the number of
117 planning commissioners. It was discussed to do five commissioners with an alternate commissioner. The quorum was also discussed to
118 drop it to three. It was voted upon by the commission to leave it the way it is.

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120 Shawn Eliot also said that he presented the new website to the city council and it should be ready within a few weeks. Also, he said he
121 presented the PUD and had the council take it home to review.

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124 **REVIEW AND APPROVE MINUTES OF 12/10/09 COMMISSION MEETING**

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126 Members of the planning commission suggested some corrections and the changes were implemented.

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128 **DAYNA HUGHES MOTIONED AND PAUL SQUIRES SECONDED TO APPROVE THE PLANNING COMMISSION**
129 **MINUTES OF DECEMBER 10, 2009 AS AMENDED. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) JOHN HOUCK**

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132 **OTHER BUSINESS**

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134 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 9:12 p.m.

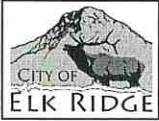
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Planning Commission Coordinator

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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 11 February 2010**
- Meeting Time - **Open House - 6-7:30pm Commission Meeting - 7:30pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

OPEN HOUSE

6:00 - 7:30PM General Plan for Public Review

COMMISSION REGULAR MEETING AGENDA

7:30 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION (none)

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW (none)

PLANNING COMMISSION BUSINESS

1. Reinstating of Kevin Hansbrow as full-time Planning Commission Member
2. Voting of Planning Commission Chair/Vice-Chair
3. Planning Commission 2010 Schedule
4. City Council Update
5. Review and approve minutes of 01/14/10 Commission Meeting..... *see attachment*
6. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 4 February 2010 and delivered to each member of the Planning Commission on 4 February 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 4 February 2010

1 **ELK RIDGE PLANNING COMMISSION MEETING**

2 **February 11, 2010**

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6 **OPEN HOUSE**

7 An open house was held for the viewing of the proposed General plan from 6pm – 7:30pm.

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9 **TIME AND PLACE OF PLANNING COMMISSION MEETING**

10 A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 11, 2010, at 7:30 p.m. at 80 East Park Drive,
11 Elk Ridge, Utah.

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13 **ROLL CALL**

14 *Commissioners:* Jason Bullard, Paul Squires, Kevin Hansbrow, Kelly Liddiard, Dayna Hughes

15 *Absent:* John Houck

16 *Others:* Shawn Eliot, *City Planner*
17 Marissa Bassir, *Planning Commission Coordinator*
18 Sean Roylance, *City Council*

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20 **OPENING ITEMS**

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22 **OPENING**

23 Dayna Hughes, Chair, welcomed at 7:25 PM. Opening remarks were said by Dayna Hughes followed by the pledge of allegiance.

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25 **APPROVAL OF AGENDA**

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27 There were not any changes made to the agenda.

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29 **PLANNING COMMISSION BUSINESS**

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31 **REINSTATING OF KEVIN HANSBROW AS FULL-TIME PLANNING COMMISSION MEMBER**

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33 **DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO REINSTATE KEVIN HANSBROW FOR**
34 **ANOTHER 5 YEAR TERM. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK**

35 **VOTING OF PLANNING COMMISSION CHAIR/CO-CHAIR**

36 Dayna Hughes, Chair, read the duties of the Planning Commission Chair, as follows.

- 37 - To call the commission to order on the day and the hour scheduled and proceed with the order of business.
- 38 - To announce the business before the commission in the order in which it is to be acted upon.
- 39 - To receive and submit in the proper manner, all motions and propositions presented by the members of the commission.
- 40 - To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce
- 41 the result of the motions.
- 42 - To inform the commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the
- 43 chair shall have the right to call upon legal counsel for advice.
- 44 - To authenticate by signature, when necessary, or when directed by the commission, all of the acts, findings and orders, and
- 45 proceedings of the commission.
- 46 - To maintain order at the meetings of the commission.
- To move the agenda along, hold down redundancy by limiting time allowed for comments in necessary, set guidelines for public input, and reference handouts and procedures during meetings.
- Recognize speakers and commissioners prior to receiving comments and presentations.

50 Duties of the vice-chair: The vice chair, during the absence of the chair, shall have and perform all of the duties and functions of the
51 chair.

Dayna Hughes stated that she will not be willing to meet with developers outside of the scheduled planning meeting nor take on the duties in which the current planner is already doing. She does not feel she has the skills or abilities and it is not listed as a duty in the role of the planning commission chair.

KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO NOMINATE DAYNA HUGHES AS THE PLANNING COMMISSION CHAIR.
DAYNA HUGHES ACCEPTED THE NOMINATION. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK

DAYNA HUGHES MOTIONED AND JASON BULLARD SECONDED TO NOMINATE KELLY LIDDIARD AS THE PLANNING COMMISSION CO-CHAIR.
KELLY LIDDIARD ACCEPTED THE NOMINATION. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK

Sean Roylance commented that his assignment as a city councilman is the planning commission so if the guidelines are changed to where the planning commission chair will meet with the developers, it would, technically, come from him.

PLANNING COMMISSION 2010 SCHEDULE

Dayna Hughes went over the planning commission schedule indicating there will only be one meeting per month – second Thursday of each month. There will be two meetings in February.

CITY COUNCIL UPDATE

Sean Roylance reported that the website is done and is now live. All code is on the website and if anything needs to be updated, Marissa Bassir or Shawn Eliot will be able to do that. An account will also be created for Kara Cook for sports and if anyone from the planning commission feels they would like to maintain a page.

The middle of last year, the expenses were cut and the budget was balanced where there was a little more income than expected. Six months into the fiscal year, the city is in the black \$33,000. The outlook for the year is about \$125,000 saved for the year. The city council is working to get the savings that was used last year replaced with the money saved.

Erin Clawson, Councilwoman, is working hard on trying to complete the renovation of the city offices and looking for volunteers and donations so we can look good and save money.

REVIEW AND APPROVE MINUTES OF 01/14/10 COMMISSION MEETING

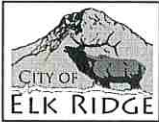
KELLY LIDDIARD MOTIONED AND JASON BULLARD SECONDED TO APPROVE THE PLANNING COMMISSION MINUTES OF JANUARY 14, 2010 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) JOHN HOUCK

OTHER BUSINESS

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:00 p.m.



Planning Commission Coordinator



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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 25 February 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION

1. General Plan

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW

2. Paul Squires – Landscape Ordinance/Noxious Weeds

PLANNING COMMISSION BUSINESS

3. City Council Update
4. Review and approve minutes of 02/11/10 Commission Meeting *see attachment*
5. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 18 February 2010 and delivered to each member of the Planning Commission on 18 February 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 18 February 2010

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ELK RIDGE PLANNING COMMISSION MEETING

February 25, 2010

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TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 25, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

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ROLL CALL

Commissioners: Kevin Hansbrow, Dayna Hughes, John Houck
Absent: Kelly Liddiard, Jason Bullard, Paul Squires
Others: Shawn Eliot, *City Planner*
Marissa Bassir, *Planning Commission Coordinator*

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OPENING ITEMS

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OPENING

Dayna Hughes, Chair, welcomed at 7:10 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

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APPROVAL OF AGENDA

Dayna Hughes suggested Paul Squires agenda item be removed due to his lack of attendance. Motions were also removed because of lack of a quorum. The City Council update was also removed because there wasn't a city councilman present.

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GENERAL PLAN PUBLIC HEARING

Dayna Hughes opened the public hearing at 7:12pm

There was not any public in attendance.

Dayna Hughes closed the public hearing at 7:12pm.

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Dayna Hughes indicated the mayor would like to make some edits to the general plan and then it will come back to the planning commission for action before it is sent to the city council.

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Shawn Eliot found an error in the general plan under objective 2-A "Encourage preservation of natural terrain, vegetation, and agricultural land within and surrounding the city." This was a duplicate objective and was located on Objective 1-A. So it was changed to "Maintain current parks, plan for new parks and open space, and obtain land for future parks and open space." Shawn also edited and consolidated some of the maps to make them all consistent in color.

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REVIEW AND APPROVE MINUTES OF 02/11/10 COMMISSION MEETING

Review and approval of February 11, 2010 minutes was tabled to the next planning commission meeting.

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OTHER BUSINESS

Shawn Eliot suggested cancelling March 11, 2010 meeting due to lack of agenda items and the fact that he will not be in attendance. If an item comes up, a later meeting in March will be scheduled.

Dayna Hughes cancelled March 11th meeting and Marissa, coordinator, will notify if there is going to be another meeting in March.

Dayna Hughes made the suggestion of moving on to update the development code, which is made up of the subdivision ordinance and the zoning code.

Shawn Eliot would like to start working on the zoning code and consolidating some if it.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 7:25 p.m.

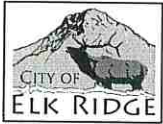
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Planning Commission Coordinator

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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 8 April 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION

1. General Plan

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW

2. Development Code..... review at meeting

PLANNING COMMISSION BUSINESS

3. Planning Education – Shawn Eliot
4. City Council Update
5. Review and approve minutes of 02/11/10 & 2/25/10 Commission Meetings..... *see attachment*
6. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 2 April 2010 and delivered to each member of the Planning Commission on 2 April 2010.

Planning Commission Coordinator *Marianna Bassin* Date: 2 April 2010

ELK RIDGE PLANNING COMMISSION MEETING

April 8, 2010

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, April 8, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: John Houck, Kelly Liddiard, Jason Bullard
Absent: Dayna Hughes, Paul Squires, Kevin Hansbrow
Others: Shawn Eliot, *City Planner*
Marissa Bassir, *Planning Commission Coordinator*
Kendrick Spencer, Shauna Spencer

OPENING ITEMS

OPENING

Kelly Liddiard, Co-Chair, welcomed at 7:09 PM. Opening remarks were said by John Houck followed by the pledge of allegiance.

APPROVAL OF AGENDA

Kelly Liddiard reviewed the agenda and it was decided to remove the development code review and any action items until a quorum (4) was present.

GENERAL PLAN

Shawn Eliot reviewed the changes suggested to the general plan. One of the major changes suggested was to remove a duplicate policy (#7) under the Land Use element Goal #1 (page 21). Duplicate policy located on page 22, objective B, policy #3 remained. All other changes were grammar or spelling corrections.

The approval of the general plan was postponed to the next planning commission meeting in May 2010.

REVIEW AND APPROVE MINUTES OF 02/11/10 & 2/25/10 COMMISSION MEETING

Review and approval of February 11, 2010 and February 25, 2010 minutes were tabled to the next planning commission meeting.

CITY COUNCIL UPDATE

Shawn Eliot said Payson Council and Elk Ridge City Council are holding a meeting on Tuesday, April 20th to discuss the annexation of the orchard area (the Haskell property). When the council talked a year ago, they seemed ok with the proposed annexation, but now they have a new mayor and city council so they want to meet again. There is an interlocal agreement that states Elk Ridge will not annex that area and the city didn't know there was that agreement. Payson's planner wants to then have a meeting with the citizens regarding their east side plan. So that will put things on hold. The city will go forward with approving the General plan with the annexation part pending Payson's decision.

OTHER BUSINESS

Jason Bullard asked if there were any plans to stripe the roads.

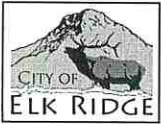
Shawn Eliot replied that he talk to the council member. The council is going to put a lot of money into re-paving the roads this year and it was suggested to stripe the roads. The main roads were striped at one point, but they have been re-paved or worn away.

Jason Bullard said he thinks it would naturally slow down traffic.

Next meeting is scheduled for May 13, 2010.

ADJOURNMENT – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:55 p.m.


Planning Commission Coordinator



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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 13 May 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION (none)

OTHER ACTION ITEMS

1. General Plan – Final Approval

DEVELOPMENT CODE / STANDARDS REVIEW

2. Development Code..... review at meeting

PLANNING COMMISSION BUSINESS

3. City Council Update
4. Review and approve minutes of 02/11/10, 2/25/10, & 4/8/10 Commission Meetings *see attachments*
5. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 May 2010 and delivered to each member of the Planning Commission on 6 May 2010.

Planning Commission Coordinator

Mawisa Bassin

Date: 6 May 2010

ELK RIDGE PLANNING COMMISSION MEETING

May 13, 2010

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, May 13, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Jason Bullard, Dayna Hughes, Paul Squires
Absent: John Houck
Others: Shawn Eliot, *City Planner*
Marissa Bassir, *Planning Commission Coordinator*
Sean Roylance, *City Council*, Erin Clawson, *City Council*, Hayden Liddiard

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Shawn Eliot followed by the pledge of allegiance.

APPROVAL OF AGENDA

Dayna Hughes reviewed the agenda and it was decided to move the General Plan to the end and Paul Squires would discuss his business during Planning Commission Business. Also, the proposed road business by John McMullin was added to other business.

DEVELOPMENT CODE

Shawn Eliot passed out an updated Title 10 Development Code to each commissioner. The PUD Overlay, Hillside Zone, Senior Housing Overlay have all been added and the next step is to pull all the big chunks together, whether that means changing it or rearranging it so it is easier to use.

Dayna Hughes commented that no one had any idea what was in the development code.

Shawn Eliot said things are all over the place. There are three different approval processes for subdivisions in the code. So he reformatted the code with a table of contents and also put a line in the middle of the pages to make it more viable chunks. He is asking for some guidance for the next update steps. Shawn would like to see the zoning portion cut in half from 76 pages. There are a lot of duplicate items for each zone, which could be consolidated. It just needs to be reorganized.

Dayna Hughes suggested updating one section (about 20 pages or so) at a time starting with everything up to 10:8.

Shawn Eliot said he would like to do it by category, such as zoning, subdivision, etc. So he would like to start with zoning first.

Kelly Liddiard agreed that the updating should take place to make sure the code is up-to-date with state law.

Dayna Hughes agreed and consented to go forward with updating the development code starting with zoning.

GENERAL PLAN

DAYNA HUGHES MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE GENERAL PLAN AND RECOMMEND PASSING IT ON TO THE CITY COUNCIL FOR THEIR APPROVAL. THE NECESSARY STEPS HAVE BEEN TAKEN – PUBLIC HEARING, PUBLIC OPEN HOUSE. VOTE: YES – ALL(4), NO – NONE, ABSENT – (1) JOHN HOUCK

PLANNING COMMISSION BUSINESS

Paul Squires wanted to discuss the re-vegetation of the water tank because it is a time-sensitive issue and would like the support of the planning commission to go forward to the city council. Per Paul, the mayor would like the water tank hill re-vegetated and he went to Paul to get a plan. Paul said he couldn't officially do it, but he would find someone who could. Paul came back with a written plan to re-vegetate with native grasses, which would put it back a normal hillside setting.

Shawn Eliot commented that what a lot of people don't understand is that if it isn't re-vegetated with the native grasses, the noxious weeds grow and are more evasive.

Paul Squires took pictures and then drew in clusters of Gamble Oak on the mounds so that it would look like it was back to its natural state. Paul passed around some acorns that are rooted that he picked up from his grove of oaks. He stated that if the acorns were planted, it would be a good, inexpensive way to grow the Gamble Oak.

Erin Clawson, city councilwoman, volunteered to give the acorns to the mayor to expedite the process.

Kelly Liddiard asked how long it would take for it to become a sapling.

Paul Squires indicated a sapling would grow about 6-7 inches in the first year. If a clump is planted, there is a better chance of success rate. Within one season, it could grow 6-18 inches depending on how much water it receives.

Erin Clawson, city councilwoman, indicated that the only problem she could foresee was the fact that the residents by the tank wanted the city to hire a landscape architect to keep with the rendition of what the re-vegetation was going to be. Because the fence is the issue, she doesn't think that the residents are pushing for the landscape as much. Erin asked Paul Squires the timeframe to plant and she would find people to plant them.

Paul Squires indicated that the acorns can be planted 1-2 inches deep randomly on the hillside. If later it is decided that they don't want it, then the city can just pull them out. The mayor has the plan to re-vegetate with the native grasses. He also talked about the landscaping ordinance where current residents were supposed to have their landscaping done within two years and the two years is up in October 2010. And he asked the mayor not to cave on enforcing this ordinance. It was printed in the newsletter after the ordinance passed back in October 2008 and they had also printed it in the May 2010 newsletter so it was thought that was sufficient in letting the residents know the timeframe to get their landscape done. Paul said that unless it's publicized, residents will not know what the consequences are, it's not going to do any good. He indicated two neighbors he is having difficulty with getting them to comply.

Shawn Eliot indicated that if someone complains about a nuisance, then the mayor has him go talk to the resident.

Paul Squires said he is complaining about his two neighbors.

Sean Roylance, councilman, indicated the council's stand on the landscape issue is not to change it or let them off the hook. Sean's opinion is to be patient with them because one of the ways to enforce the code if they are in violation after October is to have the resident sign a contract where it says they will fix it within a certain amount of time that the city agrees to. At that point, then they will be fined.

Paul Squires did not agree. He thinks they have had ample time to get their yards landscaped and when October rolls around, they should start being fined.

Sean Roylance indicated that the ordinance was approved but didn't specify the timeframe, only that the once the timeframe is expired after they enter into a contract, whether it be 24 hours or 2 weeks, and at that point they haven't complied, then they can be fined on a daily basis. And that involves any nuisance. Sean is not aware of any council member that is backing off of this process.

Shawn Eliot confirmed that once the two years are up for the landscaping, it will then fall under the nuisance code.

Kelly Liddiard said the two years are for current residents.

Shawn Eliot confirmed that new residents are two years from occupancy. There is a list compiled of everybody who is either current or from occupancy.

Dayna Hughes asked if Shawn could notice anyone right now that they are in violation.

Shawn Eliot said they are not in violation until October. Right now, it is just giving the residents a heads up.

REVIEW AND APPROVE MINUTES OF 02/11/10, 2/25/10 & 4/08/10 COMMISSION MEETING

There were not any corrections made to the minutes of February 11, February 25, or April 8, 2010.

KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO ACCEPT THE MINUTES OF FEBRUARY 11, 2010 AS THEY ARE PRESENTED. VOTE: YES - ALL (4), NO - NONE, ABSENT (1) - JOHN HOUCK

DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING FOR FEBRUARY 25, 2010. VOTE: YES - ALL (4), NO - NONE, ABSENT (1) - JOHN HOUCK

KELLY LIDDIARD MOTIONED AND JASON BULLARD SECONDED TO ACCEPT THE MINUTES OF APRIL 8, 2010 AS THEY ARE PRESENTED. VOTE: YES - ALL (4), NO - NONE, ABSENT (1) - JOHN HOUCK

CITY COUNCIL UPDATE

Shawn Roylance, City Councilman, reported that the city council has been working on the fence issue surrounding the water tank. There are some residents that want as little fence as possible and others who want a lot more. At the moment, they have approved to fence around the tank and pump house leaving out the lower retention basin. They have approved a 7-foot black vinyl-coated fence with pigtailed on top. There are potential access points on top of the tank so the council is taking some security measures to those.

Jason Bullard asked if security is the issue, why isn't it enough to put security on the accesses enough.

Sean Roylance responded that that is what is being debated and to date, this is where it is at.

Shawn Eliot thinks the compromise looks good. It's the middle of what everyone wanted.

Sean Roylance also reported there is a discussion about installing a playground equipment piece in Shuler Park where the sand volleyball court currently resides. There is a possibility that the council will reach a decision within the next week or so. Some of the community that Sean has talked to was wondering what else could be done with the park impact money. Some suggestions were to develop a new park with some new fields. Sean brought it up in the council meeting and it was explained to him that most of the park impact fees were from the existing, older part of town so the feeling was that the money ought to go to this park. As there are more developments in the other parts of town, those impact fees will go to new parks.

OTHER BUSINESS

Shawn Eliot explained the letter and maps from Cole Engineering. John McMullin is the county second engineer and project manager for the Elk Ridge Drive extension. Donald Cole is the person who used to own Cole Engineering and is now retired. The proposal is to extend Elk Ridge Drive up through Salem. There are many different options. One is to take the main road around those houses everyone goes through. Second is to take it a little further out and improve Beet Road, which shares the sewer plant, all the way up to the Benjamin Highway. The third option was to take Elk Ridge Drive all the way straight through and connecting 400 North by the high school and connecting it. The fourth option does the same thing, only closer to the interchange, which is the option Mr. Cole liked. UDOT has a rule as to how close a new road can be to an interchange so the fourth option wouldn't work. The straight shot is the one that about 95% of the people wanted at the meeting last week. So the county will submit all these options to the Army Cor. Engineers and they are required to take the least damaging alternative to wetlands. One takes 7 acres and another takes 10 acre of wetland. Are there other mitigating factors as to why this is a better route? The speed would be at least 40 mph and they would most likely have to put in a traffic light. The Army Cor. has up to six months to review it and if it is approved, they are thinking the project would begin construction in spring 2011.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:50 p.m.

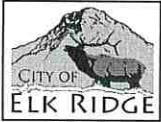


Planning Commission Coordinator

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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 10 June 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

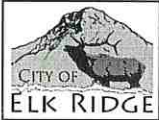
COMMISSION MEETING AGENDA

CANCELLED

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 June 2010 and delivered to each member of the Planning Commission on 3 June 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 3 June 2010



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF SPECIAL MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a special commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date – **Thursday, 24 June 2010**
- Meeting Time – **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION

1. Code Amendment – Secondary Access Requirements for Subdivisions *see attachment*

OTHER ACTION ITEMS

2. Oak Brush Cove Subdivision Preliminary/Final Approval *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW

PLANNING COMMISSION BUSINESS

3. City Council Update
4. Review and approve minutes of 05/13/10 Commission Meetings *see attachments*
5. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 17 June 2010 and delivered to each member of the Planning Commission on 17 June 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 17 June 2010

ELK RIDGE PLANNING COMMISSION SPECIAL MEETING

June 24, 2010

TIME AND PLACE OF PLANNING COMMISSION MEETING

A special meeting of the Elk Ridge Planning Commission was held on Thursday, June 24, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Dayna Hughes, Paul Squires, Debbie Cloward
Absent: John Houck, Kevin Hansbrow, Jason Bullard, Randy Jones
Others: Shawn Eliot, *City Planner* (on phone)
Marissa Bassir, *Planning Commission Coordinator*
Sean Roycastle, *City Council*, Erin Clawson, *City Council*, Krisel Travis, Jamie Towse, June Christensen, Sherrie Dalton

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:06 PM. Opening remarks were said by Paul Squires followed by the pledge of allegiance.

APPROVAL OF AGENDA

Dayna Hughes, chair, reviewed the agenda and it was decided to skip the city council update, unless a city council person comes to the meeting. Also, they added an agenda item for the zip line in the community.

CODE AMENDMENT – SECONDARY ACCESS REQUIREMENTS FOR SUBDIVISIONS

Dayna Hughes, chair, indicated that this item was discussed last year with Krisel Travis who is representing Elk Haven E. She asked Krisel if anything has changed.

Krisel Travis said nothing has changed as far as the subdivision goes. The lots were re-numbered, but the size and shapes of the lots are the same.

Dayna Hughes, chair, the issue discussed last time was to increase the number of lots without two points of egress from 16 to 20. The staff recommends because our code is a little confusing and contradictory, we simply go with IFC requirements. The IFC requirement is 30 and Krisel is asking for 20.

Krisel Travis indicated they would actually need 23 for what they are proposing, but they would like to see 30 to be in line with the IFC and it allows them some flexibility.

Dayna Hughes, chair, asked Shawn if 25, instead of 30, was recommended to the city council.

Shawn Eliot indicated that the planning commission said 25.

Dayna Hughes, chair, opened the public hearing at 7:13pm.

Shawn Eliot indicated there are three codes right now. The urban interface code (9-3-4) requires there has to be two accesses with an exception if the fire chief and the planning commission recommend it because of physical obstacles. It makes sense since Elk Ridge is a hillside community and there are some places that just can't physically be accessed. The second code is on page 2 under 10-9A-13-11, which is in the hillside code. Any development over 16 lots must have a secondary access. That was arbitrarily chosen by the city council when the Fitzgerald subdivision was being done. They were proposing 16 lots in a cul-de-sac. The planning commission recommended 20 for the hillside code and when they looked at the Fitzgerald subdivision, they decided to just go with the 16 lots. The third code is the IFC, which is adopted. The definition of the code is harder to obtain since it's not all in our code. The definition is 30 or fewer dwelling units allowed on one single access. If there are fire sprinklers in the home, then the fire chief and planning commission can allow more. Some of the betterments are required and some are not. They include a water line up to the water tank – they are proposing an 8" line, where the city would like a 10" line, but the city cannot require them to do a 10" line. One of the betterments is to carry the water line up the road and also to put in a gravel road. The curve in the access road is right at the end of hillside drive and part of the betterment is to reclaim that road and so that it is not accessible anymore.

Dayna Hughes confirmed that they would not be fixing that road; they would be eliminating that road.

Shawn Eliot said that in the current code it says that any dirt road that are now being reclaimed by development; they would need to re-vegetate it.

Krisel Travis added that the requirements are the water line, road and an access that goes over the top of that. They feel that because it will connect to a point that it could serve as a secondary access if it is looked at and if it was absolutely needed for the development. Then there is also the existing dirt road and the grades don't meet the requirements for a road access. But there are a couple of egress routes that could meet if needed. Other than that, they are happy with what the staff has proposed for the 30 lots and then working with the International fire code for that.

Dayna Hughes asked if Shawn is suggesting going with the international fire code and changing it to 30 lots.

Shawn Eliot explained that there is actually three items to look at. There is the interface zone code and he questions whether it should be in the interface code or the zoning code.

Dayna Hughes indicated Shawn is backing up his recommendation by saying he has talked to the fire chief, Seth Waite, and that there is a fire sprinkler requirement for all new dwellings. There are also vegetation setbacks that pretty aggressive, as far as fire issues go. He has also talked to Corbett Stephens, Building Inspector, and he is in agreement. The main reason for doing this is because there are three

codes that contradict and would like to have one place to go and have our code established. Everyone on a staff level feels comfortable with 30 lots, which is the IFC requirement.

Shawn Eliot said the planning commission and fire chief can recommend more.

Dayna Hughes read the following proposed code.

"Secondary Access: Any development over 30 lots must have a secondary access road. The planning commission, with the recommendation of the fire chief, can allow additional lots in a development if the city planner and city engineer determine that future roadways will provide secondary means of egress. Any single access with over 30 lots must be designed with a loop road or other grid road type system to allow for better access of public services."

Shawn Eliot explained they went from 10 to 16 lots because it was taken from the Payson code. There wasn't any significance to that number. The only reason a cap was put in the code was because of the left side of town up on High Sierra. Fire is probably not the biggest problem up there. It's more the fact that a school bus can't turn around there. There should be some kind of connectivity if the road is more than 30 lots so that buses can turn around.

Krisel Travis said that loop road says something different to her and she thinks what Shawn is defining is that it has to have some kind of connectivity and turn around.

Kelly Liddiard had the same question.

Dayna Hughes indicated that was after the 30 lots.

Krisel Travis would ask to maybe broaden it or change it to a turn-around or a turn-about.

Kelly Liddiard asked if it is a cul-de-sac or what they are proposing in phases and there is a dead end road, do they have to have a bulb or leave a lot empty to put a t-turnaround or something?

Shawn Eliot indicated that for any stub road they have to put in a temporary turnaround.

Kelly Liddiard asked if that would suffice for the school district.

Shawn Eliot replied no. He's just talking about a network of roads where there would eventually be connectivity. The school district's policy indicates they will not go down a cul-de-sac no matter the turn-around. Krisel Travis has contacted the school district and they were ok with the 24 lots so that kids could walk down, but that's not the case on the west side of town where there is 90 lots.

Kelly Liddiard said it would help the west side to get Salem Hills Drive through.

Paul Squires asked if the school bus would go on a gravel road.

Shawn Eliot replied no. They would get stuck in the winter time.

Dayna Hughes said that a problem that the city is stuck with and now are trying to make sure it doesn't happen again.

Dayna Hughes closed the public hearing at 7:34pm.

KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE SECONDARY ACCESS CODE WHICH SHALL READ "SECONDARY ACCESS: ANY DEVELOPMENT OVER 30 LOTS MUST HAVE A SECONDARY ACCESS ROAD. THE PLANNING COMMISSION WITH RECOMMENDATION OF THE FIRE CHIEF, CAN ALLOW ADDITIONAL LOTS IN A DEVELOPMENT IF THE CITY PLANNER AND CITY ENGINEER DETERMINE THAT FUTURE ROADWAYS WILL PROVIDE SECONDARY MEANS OF EGRESS. ANY SINGLE ACCESS WITH OVER 30 LOTS MUST BE DESIGNED WITH A LOOP ROAD OR OTHER GRID ROAD TYPE SYSTEM TO ALLOW FOR BETTER ACCESS OF PUBLIC SERVICES." THE COMMISSION FINDS THAT THE CURRENT THREE CODES ARE CONTRADICTING AND DO NOT SERVE THE CITY OR DEVELOPERS WELL. THE COMMISSION ALSO FINDS THAT THE HR-1 CODE REQUIREMENT OF 16 UNITS WAS ARBITRARY AND INCORRECT AND THAT USING THE REQUIREMENTS OF THE INTERNATIONAL FIRE CODE COUPLED WITH OUR WILDLAND INTERFACE CODE IS REASONABLE IN A HILLSIDE ENVIRONMENT. VOTE: YES - ALL, NO - NONE, ABSENT (3)- JOHN HOUCK, KEVIN HANSBROW, JASON BULLARD

OAK BRUSH COVE SUBDIVISION PRELIMINARY/FINAL

Dayna Hughes said it's very self explanatory and read the following from the background from the staff report.

"The applicant is requesting that the lot line between his property and his neighbors, Matt Cahoon and Daniel Steele, be adjusted to add more land to his property to facilitate handling a drainage problem behind his home. Since his lot and the others are in two separate subdivisions, they are proposing to vacate their lots out these subdivisions and create a new subdivision addressing the change. Essentially, the only physical change is the adjustment of the rear lot line between the three neighbors. The applicant already approached the planning commission in December 2009, at which time a public hearing was held. There were no comments from the public received and the applicant asked that the proposed subdivision be tabled in order to work out some changes requested by the other two applicants."

The proposal from staff is to approve it. "All three property owners are in agreement with the change. If all the lots were in the same subdivision, this change would be simpler with just a Lot Line Adjustment with no public hearing. Amending the current subdivisions and creating a new subdivision makes this a cleaner process for the city, county, and the title companies, but also requires a public hearing."

Dayna Hughes asked if we still have to do a public hearing.

Shawn Eliot indicated that the public hearing was done in December 2009.

Dayna Hughes asked how long a public hearing lasts.

Shawn Eliot said in his opinion, it would last with the application because all they did was table it. Typically, there is an understanding it lasts about a year. So the question is if they changed anything that we, ethically, should have to go to back to the public and the answer is no.

Kelly Liddiard said that what he gets out of it is that lot 2 and 3 of Fairway Heights is now going to become part of Greenview Estates subdivision?

Shawn Eliot said it is now Oak Brush Estates.

Kelly Liddiard confirmed that Oak Brush subdivision will just consist of those three lots.

Shawn Eliot said it is just weird how they are doing it because normally if lot lines are being adjusted, a lot line adjustment is done, but since it is between two different subdivisions, they could have done just an amendment to the subdivisions, but the engineer decided to create a new subdivision, which does the same thing. They would vacate the lots from the old subdivisions and create the new one.

Dayna Hughes asked if this had to go to the city council.

Shawn Eliot indicated it did have to go to the city council.

Paul Squires commented that the three property owners weren't in agreement.

Shawn Eliot explained that back in December the plat showed a drainage easement between the two larger lots in the Fairway subdivision, but the natural drainage does not go along the property line so the two property owners did not want an extra requirement put on their property so that's why they asked to table it because they weren't in agreement with the plat at that time. Since then the drainages have been taken off because of the natural drainage.

Dayna Hughes said so it's Shawn's representation that all three property owners are in agreement.

Shawn Eliot said yes and all three property owners had signed the application.

Kelly Liddiard asked what the long term issues in making a new subdivision in the middle of all this.

Shawn Eliot indicated it's nothing. Subdivision is just a legal thing. As a city, they have to have a subdivision ordinance that lets people come into the city and subdivide the land. It's a paperwork thing.

DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED THAT THE PLANNING COMMISSION APPROVE THE AMENDMENT TO THE TWO SUBDIVISIONS BY VACATING GREENVIEW ESTATES SUBDIVISION LOT 5 AND FAIRWAY ESTATES SUBDIVISION LOTS 2 AND 3 AND CREATING THE OAK BRUSH COVE SUBDIVISION. THE COMMISSION ALSO RECOMMENDS TO THE CITY COUNCIL THE SAME. THE COMMISSION FINDS THAT THE PROPOSED CHANGES FIT CITY CODE, HAS NO NEGATIVE IMPACTS TO THE HOME OWNERS IN THE NEIGHBORHOOD, AND WILL HAVE A POSITIVE EFFECT FOR THE PROPERTY OWNERS INVOLVED. VOTE: YES – ALL, NO – NONE, ABSENT (3) – JOHN HOUCK, JASON BULLARD, KEVIN HANSBROW

CITY COUNCIL UPDATE

Sean Roylance said the city celebration is coming up tomorrow. Derrek Johnson has been spending a lot of time arranging that. The city council has been discussing what to do with the park out there. First there was the discussion of getting a new large big toy, but then a couple of weeks ago, the existing playground equipment was vandalized. So they are taking a step back. Last he heard was that it was vandalism and as far as insurance is concerned, the previous mayor and Nelson Abbott sat down with the insurance company and were understanding that the playground was covered, but what was communicated and what was in writing were two different things so it was not covered. It was about \$20,000 in damages. As far as what to do going forward, he thinks what the city council is concerned about before replacing the playground equipment is how to prevent further vandalism.

Dayna Hughes asked if there was a possibility to get surveillance cameras on the park.

Sean Roylance said that was something discussed. Another possibility was to get some lights out there. There are a couple of lights that have been donated so they are going to get those put up and keep the area well lit.

Kelly Liddiard interjected that he is working on cameras at the university and that is a major expense. They have to be high quality or they are useless. For each camera to be installed is about \$1,000 plus storage because you have to maintain the data. Lighting is cheap and is better because it is a good deterrent.

Sean Roylance said the city has been considering getting a garbage truck and doing the garbage services. He is not sure where it is going yet. Initially, there was information on how much it would cost to join the waste district, but the numbers in the end came back significantly higher than communicated previously. He's not sure if the numbers are going to work out. The second concern is where does the city store the truck so it doesn't get in the way or upset neighbors. The city council also is considering a tax increase. It would have been small, but an increase nonetheless. The council decided not to do that. The city is in the black either way. Compared to other cities around Elk Ridge is in a good position.

Kelly Liddiard asked what the purpose of the tax increase proposal.

Sean Roylance explained that with property taxes, normally, there is what's called a certified tax rate that they give to the city and is designed to make it so the city's revenues from property taxes remain constant for inflation. The property taxes increase every year as it is anyway to keep up with inflation. Because a lot of cities are struggling for money, there is a one time opportunity with the state to make up for a percentage of people that haven't paid taxes in the past that the city could approve a higher tax rate to collect more money from those who do pay taxes. Now normally to increase taxes or to increase even further, the city has to have a truth and taxation hearing and the city wasn't going to do that. But the state said here's two rates – standard rate or the other rate for this year that would give you some extra income. In the end, the majority of the council was that the city is in the black either way so they voted not to raise it. The tax rate was raised last year and this year's tax rate is actually higher than last year's because property values have gone down so in order to keep that revenue the same, property taxes were automatically raised anyway. The city had to take \$200,000 from savings to cover the shortfall from a couple of years ago. At the current rate, if things go as projected, this year and then next year we take the two together and don't spend the money while in the black, then will be able to pay it back to where the city was a few years ago.

Kelly Liddiard asked if there is any word on the new road going out to the freeway.

Shawn Eliot indicated that they have chosen the preferred straight alternative to the Benjamin road. They are submitting the application to the Army Corp. and they should be doing it any day now.

Dayna Hughes asked for an update on the Salisbury Development – he has pulled out now?

Shawn Eliot said the area is called phase 2 and the bank went out of business. Salisbury did not own the lots. They had a contract with the bank to buy the lots individually when they needed them. Now the FDIC is looking for buyers and as of last week, they had three, which one of them was Salisbury.

Dayna Hughes commented that, hopefully, it isn't dead in the water.

Shawn Eliot said the other problem is that the city would use the surety bond to fix the park and now the surety bond company is contesting that. So the city might not get that. But now that it has gone to receivership of the FDIC, there are so many lots available for much lower amount of money. So maybe the city can negotiate with them to fix the park.

REVIEW AND APPROVE MINUTES OF 5/13/10 COMMISSION MEETING

There were not any changes made to the minutes of 5/13/2010.

DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE MINUTES OF MAY 13, 2010 AS PRESENTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK

OTHER BUSINESS

New Planning Commission Member

Dayna Hughes introduced Debbie Cloward as a new official planning commission member. She has been sworn in and Dayna is very happy to have her.

Debbie Cloward explained that she is a long time Payson resident or her family is. She moved over to Elk Ridge in 1969 when her father no longer had orchard in Provo due to BYU's expansion. He began farming over here in 1957. Her family owns the Allred orchards. She loves the area. She lives down on Goosenest Drive across the street from Lewis and Veronica Field. She has lived in her home for 25 years.

Zip line in the Community

Dayna Hughes said she has had two people ask her questions about the zip line being constructed on Astor Lane within the neighborhood. Sherrie Dalton has called her several times wanting to know code and what's happening and can this possibly be allowed, etc. She will be attending the meeting. She also indicated that Shawn said on behalf of the city that there is not any code violation – the zip line is perfectly fine.

Shawn Eliot explained that the only code that could even address toward it is a generic line in the nuisance code that says if three citizens all complain about the same thing, then it can be considered a nuisance. It's a catch-all phrase. Shawn talked to the owner of the house, who lives in Pleasant Grove, and he was somewhat frustrated with the city to ask him to remove it. The owner was not aware of it since the house is being rented. The telephone poles they put in are shorter than the homes nearby. The renter says that once he gets the line up, it's going to be nine feet off the ground.

Kelly Liddiard said he can see them over the roof of the house and others agreed.

Shawn Eliot didn't think they were that tall.

Dayna Hughes said one of Sherrie Dalton's main concern other than the height of the pole, was the platform for people to stand on. Is there any concern about that?

Shawn Eliot said there is a 30 foot setback in the backyard for a home, but if your neighbor has a two-story home, you aren't going to be able to stop them from looking in your backyard so Shawn told the renter, that it would be better if he put it closer to the house instead of right next to the fence. His comment to Shawn was that he went to the neighbors and that she was the only one that complained that were adjacent to him.

Dayna Hughes said that some people were in favor of it and the renter offered to have the neighbors use it also.

Shawn Eliot said there isn't any specific code on height of structures like that. He argued that there is a tree taller than that. And obviously that is irrelevant.

Kelly Liddiard asked what the owner of the house said.

Shawn Eliot indicated that the owner felt that the city was blowing it out of proportion. So he told his renter that he didn't want any trouble with the city, but he doesn't care if they have it there, as long as they take it with them when they go.

Dayna Hughes asked if three people complain and it is considered a nuisance and he is halfway through building it, then what happens.

Shawn Eliot said they would have to take it out or they would start fining the owner, not the renter. They would probably give them two weeks to take care of it before fines started.

Dayna Hughes asked what happens when the renter disagrees that it's a nuisance and he goes around and gets people to disagree that it's a nuisance. How does that work?

Shawn Eliot indicated that he can appeal to the city council. They came to the city council the other night and it was during the public forum that the council doesn't make any comment on.

Dayna Hughes also indicated that it is located really close to the neighbor's fence.

Shawn Eliot said if they would have stuck it out their own back door, he doesn't think it would be as big of a deal.

Kelly Liddiard asked if that was the big deal if they are on the platform and they are going to be able to see in the neighbor's backyard.

Dayna Hughes said Sherrie Dalton's thing is when moving into a subdivision; a ten-foot zip line is not going to be built in your neighbor's backyard. Regardless, if it meets code or not. Jamie Towse was there.

Jamie Towse thinks it is just inconsiderate. She thinks it is ridiculous to be that close to the neighbors and she knows people can do what they want, but it is an eyesore. She thinks there aren't telephone poles in Elk Ridge for a reason and that's why everything is buried because they didn't want to see the telephone poles. That is what she sees directly out her bay window now is the telephone poles. Pretty soon she'll see platforms and people. For Sherrie, all of them will be looking in on her. All those people built fences for a reason and now they are all kind of moot.

Dayna Hughes indicated that the zip-line could be operated any time of day or night.

Kelly Liddiard said unless it becomes a nuisance as far as noise. They can play, but they have to be quiet. So if there isn't any ordinance with this thing, then what are we doing?

Dayna Hughes said all the planning commission is doing is gathering information. We will pass on the information to Sherrie Dalton that if she gets three or more people to file a nuisance with the city, then the procedure will be that Shawn will contact the owner saying

260 that a nuisance has been declared and that means that the zip-line needs to be taken down and they have two weeks to take it down and if
261 they don't they will be fined every day. What is the timeframe for this owner to appeal the nuisance to the city council?
262 Shawn Eliot said he has two weeks. Actually, it's more than that it's more like 4-6 weeks. He asked if it would be a compromise if they
263 moved it closer to the house. Or is it that the neighbors just don't want it no matter what.

264 Jamie Towse said it doesn't make a difference to her, it's still an eyesore.

265 Kelly Liddiard was concerned because he had a jungle gym with his house in Orem and it had a platform on it that was a foot over the
266 six-foot fence and the kids could see into the neighbor's yard all the time.

267 Dayna Hughes doesn't want to go there because that is not what they are talking about. If the only problem the residents had was that
268 people looking into their backyard; that is not a relevant argument. Everybody can look into everybody's backyard. The issue is that it
269 is something you wouldn't normally find in people's backyard. You expect to find a jungle gym, even if it was tall. This is pretty
270 uncommon for a neighborhood situation.

271 Kelly Liddiard agrees with that. If the zip-line is only supposed to be 9 feet off the ground, then why does he have to have 30-foot
272 poles?

273 Shawn Eliot replied that he never did ask him.

274 Dayna Hughes indicated that the platform will be at 9 feet, but the poles will be higher. Just physics, you have to have the poles strong
275 enough to hold that weight so it's not a 9-foot structure. Sherrie has taken some pictures. Should the planning commission look at
276 code?

277 Paul Squires found code under Public Health and Safety Chapter 2 Nuisances. 4-2-1B "Any condition or use of premises or building
278 exterior, which is deleterious or injurious to the public health, obnoxious or unsightly, which includes, but is not limited to keeping or
279 disposition on or scattering over the premises lumber, junk, trash and so forth." The statement "obnoxious or unsightly", it is defined as
280 a nuisance. (Old Code)

281 Dayna Hughes explained the process to Sherrie Dalton, who walked in late.

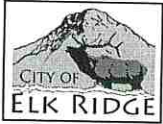
282 June Christensen asked about the excessive weeds on vacant lots.

283 Shawn Eliot indicated that he sent out weed abatement letters the previous week.

284
285
286 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:19 p.m.
287
288
289



Planning Commission Coordinator



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 8 July 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

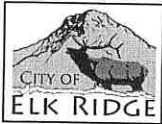
COMMISSION MEETING AGENDA

CANCELLED

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 30 June 2010 and delivered to each member of the Planning Commission on 30 June 2010.

Planning Commission Coordinator : Marissa Bassin Date: 30 June 2010



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regular scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 12 August 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 pm OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION

1. Thayne Conditional Use Permit – Assisted Living Center *see attachment*

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW (none)

PLANNING COMMISSION BUSINESS

1. City Council Update
2. Review and approve minutes of 8/12/2010 Commission Meeting *see attachment*
3. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 5 August 2010 and delivered to each member of the Planning Commission on 5 August 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 5 August 2010

ELK RIDGE PLANNING COMMISSION SPECIAL MEETING

August 12, 2010

TIME AND PLACE OF PLANNING COMMISSION MEETING

A special meeting of the Elk Ridge Planning Commission was held on Thursday, August 12, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Dayna Hughes, John Houck, Kevin Hansbrow, Jason Bullard, Randy Jones
Absent: Debbie Cloward, Kelly Liddiard
Tardy: Paul Squires
Others: Marissa Bassir, *Planning Commission Coordinator*
Sean Roylance, *City Council*, Erin Clawson, *City Council*, Jamie Towse, Lucretia Thayne

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:02 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

Dayna Hughes, Chair, introduced the new alternate planning commission member, Randy Jones.

Randy Jones told a little bit about himself. He lives on Salem Hills Dr. He has lived in Elk Ridge for 14 years. He has never really had the opportunity to serve in any capacity in the city, but has been more involved as of late, getting up to speed and learn a little bit. He loves the city and what's going on. He looks forward to the opportunity to learn more and serve on the planning commission. His family is growing and moving out. He has two children and a wife still at home.

KEVIN HANSBROW MOTIONED AND DAYNA HUGHES SECONDED TO MAKE RANDY JONES A VOTING PLANNING COMMISSION MEMBER THIS EVENING. VOTE: YES – ALL, NO – NONE, ABSENT – (3) KELLY LIDDIARD, DEBBIE CLOWARD, PAUL SQUIRES.

APPROVAL OF AGENDA

Dayna Hughes, chair, reviewed the agenda and moved other business to be second on the agenda after the Thayne conditional use permit moving minutes and council update to third and fourth respectively.

THAYNE CONDITIONAL USE PERMIT

Dayna Hughes, chair, opened the public hearing at 7:08pm.

Lucretia Thayne explained that they have a conditional use permit application in for six chickens, which she would like to have for insect control and eggs. She has a very fine mansion for their chickens and a lovely garden for which they can eat the grasshoppers and it is very far from all the neighbors. Because her lot is so large and the way it is situated, it is not close to any of their neighbors. The closest neighbor is the Watson's, but she thinks it is well within the required distance and they are not concerned.

Randy Jones asked if there were any residents at the back of the Thayne's property.

Lucretia Thayne indicated there are residents, but they are well within any of the footage requirements because all of the other neighbors have large lots, as well. She also said Shawn Eliot went out and looked at it and he said it was fine.

Planning Coordinator also indicated that Shawn Eliot did go visit the Thayne's and that it did meet all the requirements.

Jason Bullard asked what the footage requirement was.

Sean Roylance indicated the setback is 25 feet away from any adjacent neighbors.

Planning coordinator agreed.

Randy Jones asked Ms. Thayne if six chickens was the maximum she would have.

Lucretia Thayne replied that is the maximum that is allowed within the code.

Kevin Hansbrow asked about how far she would guesstimate from the Watson's.

Lucretia Thayne pointed out on the map where the Watson's live and pointed out there was a shed, which is about 20 feet long, in between the coop and the home and she knew it was way within the parameters.

Dayna Hughes, chair, closed the public hearing at 7:13pm.

JOHN HOUCK MOTIONED AND KEVIN HANSBROW SECONDED TO APPROVE THE CONDITIONAL USE PERMIT FOR THE THAYNES. YES – ALL (5), NO – NONE, ABSENT – (3) KELLY LIDDIARD, DEBBIE CLOWARD, PAUL SQUIRES

OTHER BUSINESS

Development Process

Dayna Hughes, chair, indicated that she wanted to talk about some of the issues going on with the city council right now. She wanted to brainstorm some ideas for things that can be done differently, things that need to be changed; things that need to be enforced and recommend them to the city council to make their job easier. Two main points that two of the city councilmen had was that the

planning commission received an application for a code change and they were told by the planner that Seth Waite (Fire Chief) and Corbett Stephens (Building Inspector) had said the request to adopt the International Fire Code of 30 lots was fine with them. She thought the planning commission had discussed this and said that if they think the fire chief and the building inspector said its ok and the international fire code is adopted already, then let's go ahead and send it forward. The part where it gets sticky is that an elected official in the administrative body started working on the planning commission motion, and as far as she understands, that is not allowed. This is all what she has been told. If an elected official sees that there has been an error, which there was, because an elected official can look at it and asks the fire chief if he said it was ok and the fire chief replied that he didn't and that's not what he meant. There was a miscommunication and misunderstanding. It seems to Dayna that at that point, the correct procedure would be for the person who is in charge of the city council agenda, which is the city council with the mayor should send it back to the planning commission. The mayor is just not cart blanch with the agenda. The council persons can put items on the agenda.

Sean Roylance said it depends on what the code says. Currently the code says the mayor is in charge of the agenda or two city council members can call a meeting and set the agenda for that meeting. There is leeway for us to make changes to the way that it works, but as of right now, that is how it currently works.

Dayna Hughes indicated that the elected administrative official at this point is the mayor who has the planning commission motion. From what she understands from the last city council meeting is that there is no timeline that the mayor has that he has to present it to the city council, but she thinks the sticking point with some of the members of the city council was he took it and started working on it and talking to people and having letters written and things like that before it had been presented to the city council members so that they also knew what the status was.

Lucretia Thayne indicated that the mayor said they all got it at the same time.

Dayna Hughes indicated that she has other information that that was not true. He had it and asked Seth Waite to write a letter stating that was not what he said. He asked the building inspector to write a letter indicating that that is not what he said and held onto it and worked on it with the appearance of wanting to change the planning commission motion before it had gotten to the city council.

Sean Roylance clarified the city council gets it in the packets delivered before the meeting. Now some of them had known what was going on because of their attendance at the planning commission meeting previously. With that said, from his perspective, he doesn't want to worry about what went on.

Kevin Hansbrow indicated that it doesn't seem like an elected official should start work on the motion the planning commission recommended whether it is for approval or not. It doesn't seem that it should be worked on by just one person outside of the city council meeting. The planning commission puts forth their recommendation and it shouldn't be changed. He knows that the city council could change it, but that would be the entire body.

Jason Bullard said it should have gone from the planning commission to the city council to discuss and at that point, the mayor could voice his concerns with it. If the council agreed, then the council could send it back to the planning commission to work on it again. That, to him, would be the proper procedure, but it sounds like the opposite happened.

Paul Squires said he wasn't giving up as a planning commission member and there are some things he would like to see some things changed. Paul is going online and printing the whole code and he realizes that the code online is not complete because Jan said there are pending ordinances for codification. He suggested having one code book in the office that has all the current code and then anything that has pending amendments in the book as well. Then everyone could see what has transpired and there aren't any questions. There may be notes if anything is happening with the particular code. The planning commission has to keep themselves informed. He thinks it would solve a lot of problems. Everyone's code book is out of date. Everyone would be on the same page if there was just one code book to look to. He indicated there are some timelines in the code, things to be turned in, and the inspector has so many days to do certain things. In this case, there isn't many.

Dayna Hughes asked the planning commission coordinator if that was something she could do and work it into her duties.

Planning Commission Coordinator indicated that the book already exists. The book is in her office and she keeps it up-to-date. The pending ordinances are in there as well. The mayor's code book is also up-to-date, but it does not contain the pending ordinances. She also indicated from what she was told when the code was put online, Sterling Codifiers suggested throwing all the code books out and just keep one main book in the office. So if any planning commission member has a book, they should give them to her or throw them out. The city does not give code books out anymore. It is better to go to the website because it is more up-to-date. If you have questions, you can call the office and they can let you know what is pending. Also, it has been recommended and she didn't think it had gone to the council yet, but to get laptops and keep them at the city for the use of the planning commission, as well as the city council.

Dayna Hughes indicated that as part of the planning commission procedures, they do not bring their code books to meetings or rely on them in any way. They either do what Paul has done and print out the code or the planning commission tries to get laptops.

DAYNA HUGHES MADE A MOTION AND RANDY JONES SECONDED THAT THE PLANNING COMMISSION RECOMMENDS TO THE CITY COUNCIL THAT BECAUSE CODE CHANGES AND AMENDMENTS ARE HAPPENING FASTER THAN STERLING CODIFIERS CAN KEEP UP WITH THE BOOKS, TO LOOK AT THE POSSIBILITY OF HAVING SEVERAL LAPTOP COMPUTERS WITH INTERNET ACCESS AVAILABLE TO THE PLANNING COMMISSION AT PLANNING COMMISSION MEETINGS SO THAT WE CAN LOOK UP CODE. VOTE: YES (4), NO (2) KEVIN HANSBROW, JOHN HOUCK, ABSENT - (2) KELLY LIDDIARD, DEBBIE CLOWARD

The planning commission coordinator was tasked to get the steps for the subdivision process so the planning commission can review it and make sure they are all in understanding of the process and timeline.

Kevin Hansbrow clarified that if somebody applied for a code change, the mayor does not have any timeframe that he has to present to the council.

Dayna Hughes asked who presented that information on Tuesday.

Jamie Towse indicated that City Recorder, Jan Davis could not find the code that Councilman, Weston Youd and Councilman, Sean Roylance were saying that there was a certain Thursday or a date that one had to have it done by.

131 Kevin Hansbrow thought that state code would probably come in there.

Erin Clawson indicated that the recorder had looked at state code and did not find anything.

Jason Bullard did not remember any of them saying there was a certain time period. What he heard was that they were not saying there was not a set amount of time as there was a reasonable amount of time for a homebuilder or being able to get back with them.

136 Dayna Hughes commented that there was a conversation about set time and reasonable amount of time.

137 Lucretia Thayne indicated that it was said that it was supposed to be the next meeting and she knows the planning commission wants to
138 go forward, but the problem cannot be understood, unless the previous problem is known. She said she went through and read the duties
139 of the mayor. The mayor is an administrator and an executive and he may at any reasonable time, request the papers, data and stuff of
140 any employee, agent, officer of the city and review them.

Dayna Hughes said that would be the planning commission.

141 Lucretia Thayne explained that what she hears them saying and per her, she might be misinterpreting it wrong, but somehow there was a
142 flaw because the mayor saw a flaw in the report and as an administrator tried to deal with the data collection, information or whatever.
143 She never heard anything to say that he wanted to change the planning commission's recommendation because he knows he can't do
144 that. So her consensus from the six or seven people who are not city officials, none of them could see where there was anything wrong
145 with him doing what they said he did. He didn't try to hide information or keep it. If there was a question, she would hope that an
146 executive would ask what's going on. As an administrator executive, that is a perfectly logical step for him to take.

147 Dayna Hughes read the following. "The Utah courts consistently require a city or a town to follow its own ordinances in regulating land
148 uses." That's the issue that is being discussed. Is the city following the proper procedure?

149 Dayna Hughes went over the development process. Subdivision is what they get most often so that is the example to go from.
150 "Applicant meets with staff, mayor, and council member to explain concept". This states that the mayor is involved in the meeting
151 before TRC. "The city gives advice of what would make the project a good project". She has talked to Shawn Eliot and it seems that he
152 is disagreeing with this saying that the mayor should only get involved in any development process at the city council level. She asked
153 Councilman Roylance if she is misunderstanding.

154 Sean Roylance indicated that what he heard from Shawn Eliot is very close to Dayna's comment. The important difference is that the
155 mayor got involved in a political manner to steer it in a particular directions. As far as attending, observing, clarifying code then that is
156 ok for him to be involved in that process.

157 Dayna Hughes asked what the difference is in giving advice and political maneuvering. "City gives advice of what would make the
158 project a good project." She could see the mayor trying to steer the project to what he thought and it says in the process that that is
159 perfectly fine.

160 Sean Roylance said theoretically, that a mayor or city council person could get in technically, as someone who is overseeing things and
then they could potentially still steer things and at that point, there really isn't a whole lot the city can do. Trust has to be in place to
trust the elected officials are going to do things appropriately.

John Houck asked how the city could prevent a conflict of interest in that.

164 Sean Roylance said (1) he didn't know, (2) he does know that Aqua Engineering had said that they have a process that it might be pretty
165 good at dealing with some of these issues. They had suggested this at one point in the past because this is not a new thing; these types of
166 concerns. The city recorder thought the city should talk with them.

167 Dayna Hughes stated "The Utah courts have consistently required a city or town to follow its own ordinances when regulating land
168 uses." The state code specifically says this. That is what she wants to know is if the city is following their own code. This is a double
169 check on the planning commission with any recommendations to the city council or apology indicating the planning commission was
170 doing it wrong and then specifies how it will be rectified.

171 Jason Bullard said a lot of the people feel like some of the people making comments are saying that the planning commission opposes
172 the mayor being involved and being active in going out, listening, hearing, viewing the project. He doesn't feel that way. The question
173 was brought up how to prevent conflicts of interest and he thinks processes are put into place and if things are followed appropriately
174 then things can be prevented. It's best for the planning commission to simply make a recommendation and it goes to the city council,
175 they look at it and if anyone has an issue, they can work on it and talk about it. In his opinion, he thinks it should go to the city council
176 and have the mayor voice his opinions and concerns there. If the others agree with his concerns, then it can go back to the planning
177 commission to be looked at again. The planning commission needs to have the professionals in attendance too, such as the fire chief to
178 voice their professional opinions. The procedures need to be looked at to see if it prevents that from happening.

179 Dayna Hughes asked if anyone would feel good about eliminating the pre-submittal meeting in the process. The applicant would submit
180 an application and they don't talk to anybody. The staff determines if it is complete, which just means they have paid their fee. Then it
181 goes to the TRC, which is made up of the planner, building official, engineer, mayor and a city council member. She thinks it would be
182 a good idea if there were minutes taken for the TRC.

183 Planning Commission Coordinator stated that minutes are taken by her, but they are not necessarily distributed to everyone.

184 Erin Clawson indicated that Krisel Travis (Consultant for Elk Haven E) said she had a TRC, but there were not any minutes. The mayor
185 said there wasn't a TRC meeting.

186 Planning Commission Coordinator indicated there were minutes taken for that meeting, and the problem is that Krisel says it is a TRC,
187 but the mayor doesn't because the engineer wasn't there. Regardless, whenever there is a meeting whether it's a TRC or not, minutes
188 are taken. Whether it is recorded or actually transcribed, that is different.

189 Jason Bullard asked if he understood correctly that the chair would like to remove any type of conversation with a developer who is
interested in building and would like to talk to the mayor about his ideas.

Dayna Hughes thinks that is ok, but she thinks this needs to be removed from the development process. The mayor can talk to
whomever he wants.

193 Kevin Hansbrow indicated that the planning commission has had people come in before and talk to them before they even started the
194 process. He thinks it is just not a necessity for the development process.

195 Jason Bullard suggested maybe not allowing anyone to have a private conversation with the developer before going through the process,
196 unless it is in a meeting where it has to be recorded.

197 John Houck did not think it was necessary to have the meeting recorded. If the developer wants to come in and talk to the mayor about
198 his idea, it does not need to be recorded.

199 Jason Bullard said at that time, the mayor could say it is a good idea and set it up for a formal meeting. It seems that if things are writt
200 down or recorded, then sometimes, the city is put in a bad position. The city just needs to follow the process with the developer.

201 Dayna Hughes asked the city council members what their thoughts were about limiting the mayor's conversations with the developers
202 Jason Bullard commented that from a developer standpoint, he would have appreciated the documentation because of promises made by
203 mayors that were never done because of lack of documentation.

204 John Houck indicated that he was a developer who did a 265 acre development and the mayor was a family member so he talked to him
205 about the development, but he still had to go to the planning commission and still go through the process to make it happen. He doesn't
206 think there was anything where he had to pre-submit or talk to the mayor.

207 Jason Bullard said he wasn't saying that the developer had to talk to anyone; they can just go through the normal process.

208 Dayna Hughes thinks they are getting closer to an agreement that the planning commission should suggest to the city council that in the
209 development process, the pre-submittal meeting portion should be eliminated.

210 Planning Comm. Coordinator indicated that she didn't think it was a necessity. It's there to just kind of get the concept out there and get
211 any recommendations. It can happen.

212 Dayna Hughes said she thinks the process should begin at the TRC. After the application is filled out and checked by staff, the first time
213 anyone meets is at the TRC.

214 Further discussion took place regarding the conversation between developer and the mayor/city staff. It only seems right to let the
215 mayor have discussions with developers without record, none of it binding. It was discussed to leave the pre-submittal meeting in the
216 development process and just make it optional.

217 Planning Comm. Coordinator commented that the pre-submittal meeting was put into the process to see if the developer's idea is worth
218 our while to spend the money to get our engineer here to the TRC meeting. Notes are taken at those meetings, maybe not necessarily
219 recorded. The pre-submittal meetings were put together because the city did not want to spend the money to get the engineer here just
220 yet. However, the pre-submittal meeting is not a necessity.

221 Dayna Hughes polled a vote to make a recommendation to the city council meeting that the pre-submittal meeting is eliminated so the
222 first thing an applicant does is to submit an application, the staff reviews it before anyone sees it, then it goes to the TRC. The option is
223 that it is indicated in the pre-submittal meeting that a recording be kept. Eliminating pre-submittal had two votes. There was additional
224 discussion before the vote of the adding of the recording to the pre-submittal meeting could take place.

225 Dayna Hughes wants to see as many people at the first meeting that don't have to be paid.

226 Jason Bullard recommended having concept or ideas go to the planning commission first. Anyone could come and listen. It could be on
227 the agenda and then it would be recorded.

228 Dayna Hughes indicated that the planning commission cannot cross the line and start acting like planners. She then took a vote of w
229 would like to see the pre-submittal meeting eliminated and all applicants begin at the TRC committee and who would like to see the p
230 submittal meeting changed to read planning commission concept meeting – applicant meets with planning commission and anyone el
231 who would like to come as an agenda item at a regularly scheduled planning commission meeting. Everyone (Jason Bullard, Dayna
232 Hughes, Randy Jones, and Kevin Hansbrow) voted to recommend the latter, but John Houck voted to eliminate the pre-submittal
233 meeting.

234 The applicant has the option of skipping this proposed meeting and going straight to the TRC.

235 Dayna Hughes will write the recommendation to the city council calling it the planning commission concept meeting (optional). The
236 applicant meets with the planning commission and any other interested parties. Dayna Hughes wants to make sure that no one feels like
237 the planning commission is trying to take over anything and its open to anyone.

238 **Planner Role**

239 Dayna Hughes prefaced by saying they will not be talking about Shawn Eliot, but just the planner's role for the planning commission.
240 She quoted the following.

241 **2-1-5: EMPLOYEES; EXPENDITURES:**

242 *The planning commission may appoint such other employees and staff as it may deem necessary for its work and may contract with city*
243 *planners and other consultants provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by*
244 *the city council. (Ord. 99-11-9-12, 11-9-1999, eff. 4-4-2000)*

245 Dayna Hughes explained at the city council meeting, there were four out of five members present who verbally, on the record, said they
246 were in favor of having a city planner. There was Erin Clawson, Sean Roylance, Julie Haskell and Weston Youd. The mayor was of the
247 opinion that the city did not need a full time planner.

248 Randy Jones said, in his opinion, the city can have one, but a full time planner isn't needed and they don't need to be living in Elk
249 Ridge.

250 Dayna Hughes indicated the previous city planner only made \$10,000 a year. That is not a full time position.

251 Jason Bullard asked if someone could provide a list of the previous planner's duties. His understanding is that the previous planner was
252 not only the city planner, but he was putting in street signs, he also checked code enforcement.

253 Dayna Hughes explained that there is an enforcement officer and zoning administrator. "The enforcement officer – there is hereby
254 created the office of zoning administrator. The mayor with the advice and consent of the city council shall appoint one or more persons
255 to act as zoning administrator. Powers and duties: It shall be the duty of the zoning administrator to review all applications for buildi
256 permit and zoning approvals and to issue zone clearance permits for those projects and uses found to be in compliance with the
257 development code." She asked if the previous city planner did all of that.

258 Planning Comm. Coordinator replied he went above and beyond. Jason Bullard agreed.

259 It was discussed that the enforcement of code was not being done. Others believed enforcement notices were being sent out, but perhaps
260 nothing was done after that.
261

Dayna Hughes said she talked to Ray Brown who told her of a city that hired a person from a different city and had them be the code enforcement officer when they collected around 20 complaints or so and paid the person an hourly rate of \$14 per hour. They were used on an as-needed basis.

Randy Jones said he liked it being a person from outside the city so somebody isn't getting mad because it's their neighbor. It is a benefit.

Jason Bullard agrees with that, but he believes code is code and if you are not following it...why would you get mad at the code enforcement officer? He's like a policeman.

Dayna Hughes thinks everyone is in agreement that there needs to be an enforcement officer to enforce zoning codes outside of the purview of the city planner. The city planner does not enforce code.

Jason Bullard asked if there has been anyone else besides the recent planner who has enforced code.

Sean Roylance replied that the city did have the Sheriff deliver some enforcement notifications. Corbett also volunteered to do some.

Jason Bullard then asked if the previous planner was hindered by anyone in doing the enforcement.

Erin Clawson replied that she didn't think so.

Sean Roylance pled the fifth.

Jason Bullard said the reason he asked the questions was because if they are going to make a recommendation that we get a code enforcer, who does the code enforcer report to because he does not think the code enforcer should report to the mayor. He thinks the code enforcer should report to a body.

Erin Clawson indicated that any city employee would report to the Mayor.

Kevin Hansbrow commented that codes can be changed.

Jason Bullard said if the code enforcer only reports to one person...it would be better if they reported a list of the violations to the city council and some are against the rules, then it would be easier as a body to enforce rather than just one person. There is power in numbers.

Dayna Hughes asked if there was any member of the city council that would be willing to be over the code administrator. Of course, the mayor would still be in charge, but one of the council members would be the direct report.

Lucretia Thayne said she knows they don't want to hash the past, but what is being said is that the planning commission doesn't trust the mayor. Why would you trust the city councilman?

Jason Bullard indicated he is saying it would be better to report to a body. Put the violations in front of the city council on the agenda and they can look at them.

Randy Jones commented that the sheriff was going to go out and deliver them. His question is what is the sheriff's responsibility in this?

Erin Clawson responded that it is not the sheriff's responsibility. He has a legal responsibility. He volunteered, but he really shouldn't have done that.

Dayna Hughes commented that she has reason to believe that there is a potential for the highest elected official in the city to be biased. And to look at a list and perhaps not want to follow through because he or she is the highest elected official and want to be perceived a certain way, want to be re-elected. She wants to have another entity involved in this process besides the mayor.

Jamie Towse suggested that maybe have the code enforcer give reports of the people who were served to the city council and then come back the next meeting with a follow up?

Dayna Hughes suggested recommending to the council, when the enforcement officer has compiled their report of complaints, they first go to the city council and it's on the record and then the enforcement officer goes out and serves the violators, then reports back to the city council.

Jason Bullard indicated that it should just be an item on the city council agenda once a month to review the violations, not with the intent to take people off, but to make it a public record. Then they can be served and the code will be enforced. Everyone will follow it and no one can say let's give them more time and it will then be forgotten.

Randy Jones asked if there is a number of violations to be collected before they will be served.

Kevin Hansbrow said even if there isn't any, they can still talk about it.

Sean Roylance commented that he really liked where this is going and that the planning commission has come up with some good ideas. The one thing the planning commission needs to be cautious about is that it is an administrative thing and the mayor is very much over the administration of the city. He does not know if it is possible though.

Dayna Hughes said it was worth suggesting it even if it doesn't go anywhere. She is just trying to help. She said she would include in the memo that the planning commission recommends that an enforcement officer be hired preferably from somewhat outside of the community who meets with the city council on a monthly basis to gather any code enforcement violations that come into the city and that becomes part of the public record and then that person does the code enforcement job.

Jason Bullard added that it should be the most qualified person for the job whether it is within the city or not.

Dayna Hughes quoted the city code: 2-1-5 Employee expenditures: The planning commission may appoint such other employees or staff as may deem necessary for its work and may contract with city planners and other consultants provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council. So does that mean the planning commission finds a planner and then we present how much money the planner requires to the city council and then the council approves it?

Sean Roylance responded that if the city council appropriates money for that purpose, the planning commission can contract with a planner of their choosing, but for a particular project. It is a project by project basis. To have a permanent part time planner is not under the planning commission's jurisdiction.

Dayna Hughes thinks that is a bad idea because the planning commission needs a planner that is consistent from project to project. She also questioned the money spent on Mountainland.

Sean Roylance indicated that he has never questioned it, but when it was set up, the council and mayor at the time felt it was money well spent.

Dayna Hughes would also like to suggest to the city council that they look at the Mountainland contract now that the general plan is done and it will be done for five years, perhaps if money is an issue, it is the planning commission's recommendation that they would

rather have that money go for a part time planner, than go to them. As far as numbers go, what Shawn Eliot was paid, is not the \$10,500. He made \$800/month from Mountainland and \$1000 from planner. So the \$10,500, according to him, is not accurate. So she is asking for suggestions on what to ask for as far as money. Or just say, would you please hire a planner?
Jason Bullard would like to suggest that what he thinks is the most qualified individual for the job, the recent planner to rehire him.
Dayna Hughes indicated that the recent planner does not want to come back under the current administration. But she does want everyone to be comfortable with she recommends to the city council so she will email to everyone first. She asked how the planning commission goes about asking the city council to hire another city planner.
Randy Jones recommended asking for a city planner that is also an engineer as well.
John Houck asked if there were some good engineers that are retired in Elk Ridge.
Dayna Hughes indicated that the planning commission wants a certified city planner, not just an engineer acting as a planner.
Sean Roylance recommended just telling the city council that the planning commission feels it is important to have a city planner.
Dayna Hughes indicated they don't feel that it is important, it is in the code.
Planning Comm. Coordinator said it was talked about in staff meeting to make it an agenda item for the city council to get a planner. Further discussion took place concerning the request for a city planner and whether the most recent planner would come back or could re-apply.
Jason Bullard asked if the city council vote on the hiring.
Sean Roylance indicated he would have to look at the code, but there are certain positions where the code specifies advice and consent of the council.
Dayna Hughes will write a memo to the council. And she is under the impression and the feeling that the planning commission will not meet again until there is a planner if there is a subdivision. It will not be heard if it is a subdivision or code change until there is a city planner because it is not in the benefit of the city for the planning commission to advise on it without a planner.

REVIEW AND APPROVE MINUTES OF 6/24/10 COMMISSION MEETING

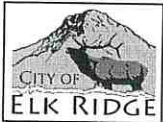
There were not any changes made to the minutes of 6/24/2010.

DAYNA HUGHES MOTIONED AND JOHN HOUCK SECONDED TO ACCEPT THE PLANNING COMMISSION MEETING MINUTES OF JUNE 24, 2010 AS WRITTEN. VOTE: YES – ALL (6), NO – NONE, ABSENT (2) – KELLY LIDDIARD, DEBBIE CLOWARD

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:45p.m.



Planning Commission Coordinator



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 9 September 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

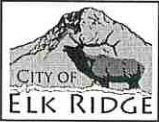
COMMISSION MEETING AGENDA

CANCELLED

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 01 September 2010 and delivered to each member of the Planning Commission on 01 September 2010.

Planning Commission Coordinator: *Maura Bassin* Date: 01 September 2010



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 14 October 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION WORK SESSION AGENDA

7:00 p.m. OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

Planning Commission process training with Planner/Engineer

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 8 October 2010 and delivered to each member of the Planning Commission on 8 October 2010.

Planning Commission Coordinator *Maureen Bassin* Date: 8 October 2010

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ELK RIDGE PLANNING COMMISSION WORK SESSION

October 14, 2010

TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, October 14, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires,
Absent: John Houck, Jason Bullard
Tardy: Kelly Liddiard
Others: Marissa Bassir, *Planning Commission Coordinator*
Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia
Thayne

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

Adam Castor introduced himself as the land planner with LEI and Greg Magleby who is the professional engineer. He described that he will go through a PowerPoint presentation about LEI, which will go through the development process and applications. He would like to see everyone get on the same page and be going in the same direction, then later on, they will start going through the code.

APPROVAL OF AGENDA

PLANNING COMMISSION PROCESS TRAINING WITH PLANNER/ENGINEER

[Refer to the PowerPoint presentation by LEI dated October 14, 2010.]

Adam Castor provided a background of LEI, which is full service.

Dayna Hughes asked if they were the city's engineer. She asked the status with Aqua Engineering.

Greg Magleby indicated that at this point, they were consulting in a planning capacity rather than an engineering capacity, but that could come at a later date. The engineering capacity is to be used on a project by project basis.

Adam Castor indicated that at this point, they are reviewing the code and making recommendations on some existing development applications that are currently in and also to make recommendations on the city code.

Greg Magleby indicated he previously worked with Elk Ridge over the past 17 years off and on, in an engineering capacity, as well as helping in the planning capacity.

Adam Castor went through the general application process, which included the following.

1. Technical Review Committee (TRC) Pre-application Meeting, optional
2. Neighborhood Meeting, optional
3. Planning Commission Review, optional (non-action item)
4. Application submittal and completeness review (non-action item)
5. TRC review and recommendation
6. Planning Commission
7. City Council

Adam Castor indicated that they want to have all the kinks worked out before it gets to the planning commission level. The application shouldn't be seen by the planning commission to work out issues with the code or issues or problems with the application. That should happen at the TRC. It should be an easy review so the planning commission can make the appropriate recommendations based on their review of the application.

Dayna Hughes asked if the Planning Commission Review was in place of or if it was the same as the concept meeting. But the concept was just feedback without a motion.

Adam Castor indicated that it was the same thing. The planning commission would just give input for them to go back and prepare a complete plan.

Lucretia Thayne asked if there were fees associated.

Adam Castor explained that fees were not applied until the actual application is submitted.

Greg Magleby explained the TRC and the pre-application meeting are very important steps to really pull out all the issues before it goes to planning commission. Building inspector, public works inspection, fire chief, city engineer, planner, the mayor, and Dayna, Chair, would be on TRC.

Kevin Hansbrow asked if LEI was involved at step one because if no fee is charged until step four, then how is the city paying them.

Greg Magleby indicated the TRC would have two components – one would be the action items, the second would be a very informal quick pre-application meeting. They don't intend those meetings to be doing the work for the developer.

Kevin Hansbrow said he understands the process and actually likes the process, but he would like to know how LEI is being paid with all the time involved.

Adam Castor said they have met with the city council and have adjusted some of the fee scheduling so it will help compensate for some of those early engineering efforts before all the fees get paid.

The applications that would typically go through the general process are the following.

1. Conditional Use Permit
2. Development code Amendment
3. Lot line adjustment
4. Lot split
5. Road vacation
6. Subdivisions
7. Zone Change

The process is not going to apply to everything. It is more tailored to a large scale subdivision proposal and things like that.

Dayna Hughes asked if it was the planning commission's responsibility to hold or attend the neighborhood meeting.

Adam Castor confirmed that they did not need to hold the neighborhood meeting. It is the applicant's decision to make with the encouragement of us as planner and the TRC.

Greg Magleby indicated that in larger subdivisions, they see the neighborhood meetings working well, rather than the public having to address the planning commission to get their answers and have an informal meeting directly with the developers. He also indicated that the developer is the one that oversees the administrative work and they can hold it anywhere. This meeting gives the applicant a chance to propose what he wants to do and inform the public so they don't attend planning commission meetings misinformed.

Adam Castor reviewed the planning commission review, which is a meeting where the applicant meets with the planning commission to review his plan. There is not any action and it is made clear that the applicant is not vested until there is an application with a fee paid. This will be in the code. Any comments made by the planning commission in this meeting are not binding.

Upon completion of the recommended reviews, the applicant will submit the required application, all the plans and the fees to the city. During this time, the plans get reviewed in the office and within five business days, the city will let the applicant know if they are complete. If it is complete, then they will move on to the formal review by the technical review committee (TRC). If it is not complete, the application is returned to the applicant with a statement of what needs to be completed.

Randy Jones asked who actually reviews the plans to determine completeness.

Adam Castor replied that the zoning administrator, staff and city planner would review for completeness.

If the application has been submitted and is deemed complete, the TRC will review it and provide any recommendations, redline provisions; anything that needs to be relayed to the applicant to make sure the proposal is consistent with the general plan and meets the intent of the zoning ordinances.

Dayna Hughes quoted "multiple TRC reviews of the application may be necessary". She clarified that they are doing two TRC reviews and asked what the fee schedule beyond more than two reviews.

Greg Magleby indicated it would then be an hourly basis billed directly to the applicant.

Dayna Hughes said regardless of where they are, they get two reviews and then they pay per hour after that for the planner/engineer's time. It seems like in the past that some of the applicants have had more than two reviews and have not been compensated.

Kevin Hansbrow commented that it gives the applicant motivation to get their plans right.

Dayna Hughes commented that most of the things that are brought to the planning commission are not going to be issues that the planning commission needs to hash out and discuss. The planner and engineer will not bring anything to the planning commission until it is ready. That is the intent. Then, perhaps, if something is missed, then the planning commission can check in and make suggestions. In most cases, the job of the planning commission is to review and to, basically, approve what has been brought to the planning commission as the TRC has gone through it. Sometimes, she thinks the planning commission gets in the mindset that they are there to do the TRC's job; to go through it; to nitpick it; to codify it and if the TRC does what they are supposed to do, then really all the planning commission is doing is reviewing and, perhaps, making suggestions and then motioning.

Greg Magleby indicated that most of the projects the planning commission sees are going to be in compliance with the zoning. It is the planning commission's obligation to check that again, especially how it applies to the intent. The intent is really determined by the planning commission and the city council. The staff is really there to look at the "nuts and bolts".

Dayna Hughes asked if the planner and engineer would recommend overlay zones.

Greg Magleby replied they would recommend. There is a lot of discretion when those come into play.

Paul Squires commented that the planning commission could oppose on the design and/or change the design.

Greg Magleby and Adam Castor both agreed.

Dayna Hughes said even though it is very objective, there is still some subjectivity involved once it gets to the planning commission.

Greg Magleby indicated that they will give the planning commission all the recommendations, but they can't make the motion.

Dayna Hughes explained to the planning commission that it is their job to make motions based on their own findings. If they do not have an opinion or need more time to make a decision on a finding, the issue can be tabled.

Greg Magleby commented that if they are going to oppose a motion, they request that there is a reason given when opposing. Be very specific. It can't be a personal opinion.

Lucretia Thayne asked if the TRCs are open to the public.

Greg Magleby indicated that all the TRCs are open to the public and should be posted.

Dayna Hughes commented that just the final TRC will be posted, not the reviews – not the non-action items.

Kevin Hansbrow questioned the TRC telling the developer what the intent of the code is and not the planning commission. The developer may have questions on the intent of the code.

Greg Magleby answered that they are not there to interpret the intent of the code.

Kevin Hansbrow said the planner will present what they think about the intent of the code, but it is up to the planning commission to make the decision of the intent.

Greg Magleby said if the developer disagrees with what the TRC is saying the intent of the code is, that is when the issue comes to the planning commission.

Kelly Liddiard commented that if the TRC sends something to the planning commission, they should know how you came to that decision.

Greg Magleby indicated that a formal recommendation from the TRC would come to the planning commission.

Dayna Hughes said that obviously the planner and engineer would be there to address concerns and give background information.

Adam Castor explained that the recommendation will be very detailed and how they arrived at that recommendation.

Greg Magleby explained the TRC would have a motion with a second and a vote on the recommendation. There might be disagreement with the TRC and it will be noted in the recommendation.

Dayna Hughes suggested that contingencies are avoided at all costs when making a motion. The city has gotten into trouble before with contingencies because no one follows up on contingencies. The planning commission used to send things forth with ten contingencies that they had come up with and no one ever checked up on them. If that were to come to the planning commission, are they allowed to send it back to the TRC?

Kevin Hansbrow asked if the developer is allowed to go fix the contingencies and bring it back without having it go to the TRC. Fees?

Adam Castor said if it is an issue that really needs more input; the planning commission could remand it. Or the planning commission could simply ask them to fix it and come back.

Dayna Hughes asked if they would have to pay an extra fee if they already used their two reviews.

Greg Magleby indicated they would have to pay the extra fee.

Dayna Hughes asked once a motion is made by the planning commission and it moves to the city council, is there a time limit that it has to become an agenda item for the city council.

Adam Castor said he did not see anything in the code about that.

Greg Magleby commented that there isn't any timeframe, but due process. They have to show that there is valid reason for it not to be on the agenda.

Dayna Hughes commented that is a city council issue though. They would have to draft their own procedural code as to what the time limit is and they have not done that to her knowledge. She also asked what a reasonable amount of time would be assuming that there is a disagreement – that staff does not like the planning commission motion.

Greg Magleby said he has seen things take 2-3 months between the planning commission and the city council.

Dayna Hughes asked what is appropriate action is between that time. Obviously, nothing on the planning commission end. Certainly, staff or any other elected official wouldn't ever change a motion that was made by the planning commission. Our motion has to go forward exactly as they motioned it. Then additional information can be presented.

Greg Magleby agreed.

Adam Castor went over the responsibilities and duties of the planning and zoning administrator, who was listed as Corbett Stephens. It was discussed that all questions would be answered at a staff level first and involve the planner as a last resort for further clarification. The zoning administrator would contact the city planner directly. He would like to reduce the amount of time that is spent corresponding directly with applicants outside of TRC meetings or any other planning commission meeting to cut down the time and expenses incurred for that.

Dayna Hughes asked if the planning commission should see the TRC minutes. She said the planning commission has never seen TRC minutes.

Greg Magleby indicated that TRC minutes would come with the particular application. The planning commission needs to see the process that went into making a decision at the TRC level to know whether you agree or disagree.

Adam Castor went over the duties and responsibilities of the planning commission chair, which are to preside at all planning commission meetings; prepare a written agenda with the assistance of planner and city staff; understand and enforce planning commission by-laws and rules of procedure; ensure the attendance of members.

Dayna Hughes commented that the chair position is open in February. She also asked how she should work with the planning commission coordinator, Marissa, because it has been her job to email the members and make sure everyone is coming.

Greg Magleby thought Marissa could still be the contact, but the chair is the enforcer.

Debbie Cloward suggested that every time a member says they aren't coming, the chair gets a phone call.

Dayna Hughes didn't want to do that because people have a right to miss meetings every once in a while. She doesn't want to force anyone when it is a voluntary position.

Adam Castor said it is important that everyone understands that attendance is important.

Dayna Hughes announced that John Houck has resigned and she has the documentation. She would like to just make Randy Jones a voting full-time member and move John to the alternate position, but she was told she really can't do that. The city council has to appoint Randy as a full-time member and then appoint a new alternate.

Further discussion took place regarding the use of code books, which they shouldn't be using, and looking up code on the internet.

Dayna Hughes asked if the planner would be updating development code and cleaning up the code in the future.

Greg Magleby indicated they plan on reviewing code and it is up to the planning commission to make the decisions on what needs to be changed and how to do it. The planner and engineer can make recommendations on what needs to be clarified. They will be maintaining a list on what needs to be worked on.

Adam Castor went over the planning commission member's duties, which are attend and participate in planning commission meetings; understand by-laws and rules of procedure; understand development code and where to find ordinances within the code; review applications; recommend amendments to code; recommend approval to city council; approve, deny, or table applications.

He also indicated that they would be doing a monthly training on development code to get everybody a full understanding of that particular section and flush out the issues and get them solved.

Dayna Hughes wanted to know what was on the next agenda and asked if Mr. Gowers would be coming back to the planning commission.

Adam Castor explained that Mr. Gowers has been taken care of for the time being with the city council. Mr. Gowers was asking if he could develop his northern lot under the R-1-15,000, which has already been excavated pretty extensively by Mr. Yergensen. The city

council denied him what a previous city council had told him he could do. The majority of the lot was in the HR-1 zone and he would have to abide by the more restrictive code.

Dayna Hughes clarified that he can build one house on that lot. The city has denied a zone change, but he can reapply. He can also apply for a lot-split to the planning commission.

Adam Castor indicated that Mr. Gowers didn't want to go through the process and pay fees knowing he would be able to build a house on both lots under the HR-1 zone.

Dayna Hughes asked what was going on with Elk Haven E.

Greg Magleby indicated that Elk Haven E will be coming with a code change regarding the number of lots on a single access. TRC has not made a motion on this yet. There is a TRC scheduled for next Friday.

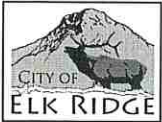
Adam Castor indicated there is also a conditional use permit application for Lee Haskell Assisted Living Center. He gave a brief description of the application. It is located off of Elk Ridge Drive and Olympic. He is asking for a conditional use for an assisted living center. Only action would be whether to allow that use in that zone. He would then have to come back through the subdivision process and the site plan process.

He also indicated that there is a conditional use permit for chickens from Dave Simmons who is a violator.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:25p.m.



Planning Commission Coordinator



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF SPECIAL PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a special commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 28 October 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 pm OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

7:05 PUBLIC HEARINGS AND ACTION

1. Haskell Conditional Use Permit – Assisted Living Center..... *see attachment*
2. Simmons Conditional Use Permit – Chickens..... *see attachment*

7:35 OTHER ACTION ITEMS

3. Elk Haven Code Amendment Request *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW (none)

8:00 PLANNING COMMISSION BUSINESS

4. Review and approve minutes of 8/12/2010 Commission Meeting..... *see attachment*
5. City Council Update
6. *Other Business* – Traffic calming request to city council

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 21 October 2010 and delivered to each member of the Planning Commission on 22 October 2010.

Planning Commission Coordinator

Maiwaa Bassin

Date: 21 October 2010

ELK RIDGE PLANNING COMMISSION WORK SESSION

October 28, 2010

TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, October 28, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires, Jason Bullard, Kelly Liddiard
Absent: Dan Steele
Others: Marissa Bassir, *Planning Commission Coordinator*
Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia Thayne, Jamie Towse, Krisel Travis, Roger Dudley, Dave Simmons

OPENING ITEMS

OPENING

Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

APPROVAL OF AGENDA

Dayna Hughes reviewed the planning commission agenda and there were not any changes made to the agenda.

HASKELL CONDITIONAL USE PERMIT – ASSISTED LIVING CENTER

Dayna Hughes opened the public hearing at 7:05 pm.

Dayna Hughes indicated she really liked the idea of the assisted living center and commercial in Elk Ridge. This application was discussed in TRC and it was discussed that more information was needed because the current response time for an ambulance to Elk Ridge was 20 minutes, which was not acceptable for this type of development. More information needs to be gathered to make an educated decision.

Adam Castor explained there was a TRC on Friday, October 22, 2010 to discuss the conditional use application submitted by Mr. Haskell. The application was complete. Corbett Stephens said he had spoken with Mr. Haskell regarding the engineering plans that would be necessary for further review and approval and obtaining a building permit. Seth Waite, Fire Chief, brought up the initial concern of response from Payson to Elk Ridge being around 20 minutes for an ambulance. Assisted Living facility of the size concentrates a large number of people that may need ambulance service to come in an emergency. Additional questions were brought up regarding ambulance service – can Elk Ridge provide a faster service by providing its own ambulance service. Second, should the city consider a safety impact fee that would help cover the cost of providing an ambulance service? Also discussed the possibility of the applicant being required to pay for the impact fee. What type of liability does the city assume if an emergency takes place and something happens in that time that it takes for an ambulance to get to Payson and Elk Ridge and back to the hospital; potentially a 40 minute trip to get here to there. Additionally discussed was the possibility of the facility providing its own ambulance, if so, the volunteer personnel here would have to have an additional person because there has to be three people to operate an ambulance. It was decided during that meeting that the TRC recommend to the planning commission to table a decision on the conditional use permit application pending answers to the questions brought up during the TRC meeting.

Mr. Haskell was surprised that it takes 20 minutes to get down to the hospital.

Dayna Hughes explained it isn't from here to the hospital. The Payson ambulance crew has to have three people in order to run. They sit there in the bay until all three arrive. It can be shorter, but that is the information from Seth Waite, Fire chief.

Jason Bullard asked how many miles from Elk Ridge to the hospital.

The response was about three miles.

Kelly Liddiard explained that during the time that it takes the ambulance crew to get to Elk Ridge, the first responder from Elk Ridge is on the scene, but they are quite limited in what they can do as far as medical care.

Mr. Haskell commented that in the code under commercial zone, it states there can be a hospital there. Why would they put that in the code if an ambulance can't be supplied to go to a hospital?

Dayna Hughes explained that in the code, it is just all the uses that are allowed. The use is then worked upon. This conditional use is the first time there is a need for more ambulance coverage. How many residents?

Mr. Haskell indicated there is a possibility of 30 residents – 15 on the main floor and 15 on the second floor.

Dayna Hughes asked if there were any plans for the facility to have its own private ambulance on the premises.

Mr. Haskell said there would be a transport, but it is not a medical ambulance.

Kelly Liddiard commented that being in the business; another factor is the number of calls. The assisted living in Orem has an ambulance stationed at the facility because they are there almost every day.

Mr. Haskell asked if that was just an assisted living. He indicated that the facility would be type I and II assisted living. Type I is where the residents will be able to evacuate on their own. In other words, if something happens, they can get out of the building. Type II is where the residents can maneuver and do things, but in case of evacuation he/she would need one person to help them evacuate. It is not like there will be a lot of people that are diseased or sick.

Kelly Liddiard said the issue is not whether someone can evacuate on their own. The issue is if someone goes down and how to handle that.

Mr. Haskell indicated there are 2500 people in Elk Ridge and there are a lot of residents that are going to go down and there is ambulance service up there. He doesn't think there is a difference. Although, these are older folks and concentrating 15 people in one area, but the people that would be in there, would not be people that need to be in a nursing care facility. Has there been anyone in Elk Ridge die because the ambulance couldn't get there fast enough?

Dayna Hughes said there wasn't any situation she knew of.

Mr. Haskell then asked how they are coming up with this problem to begin with if it hasn't been a problem.

Kelly Liddiard commented that the facility is elevating a need for the ambulance. He would like to see an ambulance in Elk Ridge. He knows that Payson has one sitting down there that they would convey to Elk Ridge. He doesn't know the specifics on cost – that's something the city would have to look at.

Mr. Haskell indicated that he didn't think any time would be gained if there was an ambulance in Elk Ridge if there has to be three people to operate it. There would still be people waiting to get to the call.

Kelly Liddiard said it depends on how the policies are set up. If they are two people at the rig and then the third person could then respond to the scene with their own vehicle. It's not the best way to do it, but that can be policy.

Randy Jones asked if Mr. Haskell would consider having an ambulance crew on the staff.

Mr. Haskell said they could, but they haven't really thought about it. He doesn't know what the cost would be. There would have to be three people CERT trained.

Kelly Liddiard said that if they wanted to go paramedic, then they could only have two CERT trained, but he didn't think Mr. Haskell would want to spend that money. He also brought up having a safety impact fee to help the city purchase an ambulance. Mr. Haskell could help the city get to that with a study on impact fees.

Mr. Haskell said that is why they are there checking things out because of costs for utilities, building permits, etc. He has talked with Corbett Stephens, building official, and he has still not come up with a building permit fee. Apparently, there hasn't been any building in the commercial zone so he doesn't know what to charge.

Dayna Hughes asked if the city pays per call.

Kelly Liddiard indicated they do. Every time a 911 call goes to the Utah Valley Dispatch center, the city gets billed. He guessed that the charge is around \$47 per call. *(It was later discovered that there is a dispatch fee assessment every six months.)*

Dayna Hughes reviewed some possible solutions. First option: The city can buy an ambulance and have an ambulance staff.

Obviously, there are budget problems with that particular option. Second option: The assisted living center to provide their own transport for emergency calls.

Mr. Haskell indicated that they will have professionals there 24/7. There will be a physician on staff, but he doesn't have to be at the facility. Mr. Haskell thinks a lot of the emergency calls could be taken care of at the facility.

Kelly Liddiard commented if a resident falls down and breaks their hip, the CNA is not going to be able to treat that. It will be an EMS response.

Mr. Haskell said that since they will have the staff there, they will be able to avoid some of those emergency calls.

Dayna Hughes commented that the staff isn't going to be able to do IVs and the things that an ambulance crew is going to be able to do.

Mr. Haskell indicated there would be a registered nurse who would run the medical part of it that would be there part of the time.

Kelly Liddiard said that a registered nurse could start an IV.

Mr. Haskell thinks that with 30 residents there, the city will gain quite a bit of revenue from the building being there with taxes and so forth. He said that would probably offset the fee charged to the city every time there is a call for an ambulance.

Dayna Hughes said she would like to see data or information from a facility similar to the proposed facility. Maybe conclusions are being jumped to that don't need to be.

The Seville, Mountainair, and the Beehive house were talked about in where to gather information from.

Mr. Haskell said he would try to get some information for the planning commission.

Dayna Hughes indicated that she would like a planning commissioner to volunteer to get the following information. Average age, number of emergency calls, number of residents, etc. Safety is the big concern.

Mr. Haskell indicated that the state of Utah has a department that governs all assisted living facilities. Once they take a look at this, they will tell them whether it is safe or not to have that facility there.

Kevin Hansbrow recommended talking to local facilities, as well as the state. It can't hurt to have all the information.

Kelly Liddiard volunteered to get information from local facilities and will report back.

Mr. Haskell agreed with Mr. Hansbrow, but the proposed assisted living is unique. It won't be like any of the other assisted living facilities around because the others are closer to the hospital; they are smaller; they are bigger.

Dayna Hughes closed the public hearing at 7:27 pm.

KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO TABLE PENDING ON THE NECESSARY INFORMATION INCLUDING NUMBER OF CALLS AND RESPONSE CALLS TO SIMILAR ASSISTED LIVING CENTERS OF LEVEL 1 AND 2 RESIDENTS AND DETERMINE IF THE RESPONSE TIME IS GOING TO BE DETRIMENTAL TO THE RESIDENTS. VOTE: YES – ALL (7), NO – NONE, ABSENT- (1) DAN STEELE

SIMMONS CONDITIONAL USE PERMIT – CHICKENS

Dayna Hughes indicated that when the TRC met and reviewed the application and plan, they noticed the setbacks to the neighbor's house were too close. 20 feet as opposed to 25 feet, which is the code requirement. There is a letter from the Gibson's that they are fine with that.

Adam Castor explained that the application was deemed complete when it was reviewed along with the site plan. Based on the location of the coop, it is in violation of two codes. It is closer than 25 feet to a neighboring residential building. Also the primary residence is located about 40 feet away and 20 feet from neighboring residence. It needs to be closer to the primary residence than the neighboring residence. There are currently chickens and a conditional use has not been approved, which is another violation of keeping hobby

animals without a conditional use permit. A motion was made by the TRC to recommend denial of the application based on those violations.

Mr. Simmons indicated that he needs to comply. He understands that he needs to move the coop.

Adam Castor explained that he needs to move the coop and then reapply for another permit.

Randy Jones asked if he has chickens now that are a violation, does he have to remove the chickens and then reapply. Or can he keep the chickens?

Dayna Hughes asked the applicant, Mr. Simmons, if he had an agreement with the code enforcement officer.

Mr. Simmons said he did not have an agreement.

Planning Coordinator indicated that Mr. Simmons did have a voluntary agreement to apply for a permit by mid November.

Dayna Hughes said he was complying and going through the process and he is trying to fix the problem.

Mr. Simmons indicated the coop is currently there and they kind of share with the neighbors, the Gibson's. They were thinking of getting some chickens in her backyard. The coop is too close to their house and that is why he had her write the letter. He thought there could be a variance or something.

Kelly Liddiard said it would be easier for him to take care of it now where it is at the beginning of the process. He should take care of it now and get it right.

Lucretia Thayne understood that he has to re-apply. Does that mean he has to pay the fee again?

Planning Coordinator commented that it was discussed that the planning commission could waive the fee.

Adam Castor said because it is a simple review process, he thinks a fee could be waived in this case if he is willing to move the coop and come into compliance.

Lucretia Thayne asked if he has neighbors who want the coop where it is, they can't do that?

Dayna Hughes said code is code.

Kelly Liddiard indicated he is in violation of the code. He explained that if they sell their house next year, then it will become an issue again because they will have to move it.

Mr. Simmons indicated it is a portable coop so it won't be a big deal.

Dayna Hughes closed the public hearing at 7:33pm.

KEVIN HANSBROW MOTIONED AND RANDY JONES SECONDED TO TABLE THE SIMMONS CONDITIONAL USE PERMIT FOR CHICKENS UNTIL HE CAN COME INTO COMPLIANCE BY NOVEMBER 11, 2010 AND THEN PRESENT BACK TO THE PLANNING COMMISSION. VOTE: YES - 6, NO - (1) JASON BULLARD, ABSENT - (1) DAN STEELE

Jason Bullard opposed because he thinks the permit should be denied because he said he is not real interested in taking care of it right away. He thinks it should be denied and the process should be started over.

It was further discussed that he will need to move the coop by November 11, 2010 or his permit is denied and he will be cited and will need to re-apply. Otherwise, if he comes into compliance by the noted date, there will not be a fee.

SINGLE ACCESS CODE AMENDMENT (NON-AGENDA ITEM)

Dayna Hughes indicated she was at the TRC when this item was discussed and she has also discussed it with the city planner, Adam Castor. The motion from the TRC is to approve this amendment. This is not a public hearing. She has submitted an application to change the code.

Adam Castor explained that the current application that has been submitted was sent back to the planning commission by the city council on the August 10, 2010 meeting for further review and recommendation. On Friday, October 22, 2010, the TRC met and discussed some recommendations for code amendments, not directly related to the Elk Haven amendment request, but as recommendations to clarify the code as a result of that code amendment request. There is a long history of this code amendment request going from 16 to 30 lots so it was reviewed from the standpoint of clarifying the code to remove the conflicting information contained within the code. Right now, there are three different ordinances within the code that specify different number of building units allowable on a single access road. So the intent of the city planner was to provide the code recommendations that would help clarify that and let the number of allowable units be based on the minimum frontage required within whatever zone it would be in. In this case, it is the HR-1 zone, which would be 150 foot frontage. Because this current code amendment request is now back in the planning commission's hands, the TRC was unable to make a formal recommendation and review it on that code amendment request and provide a formal recommendation for tonight's meeting. So it wasn't really addressed. What were discussed were the code amendments that LEI provided and are proposing. The motion was made to recommend to the planning commission the recommendations as outlined by LEI.

The applicant is asking for a code amendment that would allow up to 30 units on a single access road. It is currently stated as 16. That number was generated based on a plat in the past. It was sort of an arbitrary number. The amendments that LEI is proposing would be to limit the length of a single access road to 750 feet and come into compliance with the international fire code, which was adopted this year by the city. That code is in place. There are provisions within that code to allow single access roads longer than 750 feet with special approval. The recommendation and code amendment would be that single access roads of not more than 750 feet and which are in compliance with the IFC. The existing code would be amended to include that language. That would control the number of allowable units on a single access road.

Dayna Hughes asked Krisel Travis (Consultant for developer of Elk Haven E) how long their single access road is.

Krisel Travis indicated it is 1700 feet. If Elk Haven is held to the proposed code, they would only be allowed possibly 5-6 lots. So there is a huge problem with the 750 feet.

Dayna Hughes asked where the 750 feet came from.

Adam Castor responded that it was from the fire code.

Dayna Hughes asked if the city is bound to follow the fire code.

197 Adam Castor indicated it has been adopted by the city.

198 Krisel Travis commented that the fire code also allows for special allowances.

199 Adam Castor said anything beyond 750 feet would require special approval.

200 Krisel Travis commented that the way that the amendment is written, exceptions would not be allowed.

201 Dayna Hughes clarified that the way the amendment is written, it is 750 feet or nothing. There are no special circumstances for anything
202 beyond that without a secondary access.

203 Adam Castor said there are not any exceptions to 750 feet. A single access road of not more than 750 feet, which is in compliance with
204 the fire code, may be approved by the city council after obtaining a recommendation from the fire chief and planning commission.

205 Kelly Liddiard said the 750 feet in itself is special.

206 Krisel Travis said with the hillside zoning, she believes it is 110 feet, not 150 as it was said before.

207 Adam Castor said in the HR-1 zone it is a minimum of 150 feet.

208 Krisel Travis indicated on a 750 foot road that turns out to be a lot less than was previously approved. So she feels like the proposed
209 amendment is a huge step backwards as far as the hillside zone is concerned and the city spent a lot of time to write the hillside zone
210 requirements and this would take it backwards.

211 Adam Castor said it would eliminate the question of how many lots are allowed on a road. Now whether it is the HR-1 zone or the R-1-
212 12,000 zone, it doesn't matter. The length of the road determines the number of allowable units. That was the intent to clarify that and
213 come into full compliance with the fire code.

214 Paul Squires asked why Elk Haven would have only five lots with the proposed amendment.

215 Krisel Travis indicated that because the way the code is written, it is from where it becomes a single access and that would be the
216 intersection of Hillside and Oak, which is about 300 feet from the Elk Haven property line. So that would only allow about 400 feet of
217 the Elk Haven property and with 150 feet of frontage, that is basically about 4 or 5 lots. It wouldn't even get up to the cul-de-sac
218 without a secondary access. There is many places within the city that exist that have a lot longer distances and only have a single access.
219 It has been that way for a number of years and up until this point it has been considered safe.

220 Jason Bullard asked if the planning commission is allowed to approve anything over 750 feet.

221 Kevin Hansbrow indicated that the International Fire Code states right now that allowances can be made for more. The city is following
222 the stricter part of the International Fire Code.

223 Adam Castor said that under the HR-1 zone, a special approval of a cul-de-sac up to 1000 feet is available.

224 Jason Bullard commented that the only reason it is limited is because of the International Fire Code. There is no other reason on the
225 table besides that. It does apply, but is this an area that is that big of a fire danger there? Is there any potential of future development
226 that will come into play that will change that from a single access?

227 Kelly Liddiard replied yes.

228 Dayna Hughes asked just to clarify, even though it is not part of the issue, Elk Haven can't do dual access because they don't have the
229 agreement of the other land owners?

230 Krisel Travis replied yes and no. They have explored all the close options. If the council and commission were to consider some kind
231 of temporary road because the city currently doesn't have any code which allows temporary roadways, then there might be other
232 possibilities to explore. Also, she feels that the 750 feet doesn't have to be there because the fire code says 750 feet is as far as they will
233 go. It just causes confusion because then there can be special considerations for more than that. So the fire code, in her opinion, covers
234 what is trying to be accomplished by the city.

235 Jason Bullard asked if the planning commission has received any official recommendation from the fire chief.

236 Adam Castor said he hasn't made an official recommendation, but he has provided that it is his opinion that the fire code is appropriate,
237 especially in the HR-1 zone because of the fire danger. There is an exception, but not without the fire chief's approval.

238 Kelly Liddiard said one advantage for developers, as opposed to other cities, is that the new structures have to be sprinklered.

239 Krisel Travis commented that is an extreme advantage in a situation.

240 Dayna Hughes asked why the 750 feet is there because that is as far as a truck can go.

241 Adam Castor said it is all based on the maneuverability and the limitations of the apparatus that is used to fight fire.

242 Dayna Hughes said that in other words, if the road was 1000 feet long, their hoses would only reach 750 feet.

243 Kelly Liddiard replied that they can lay down more hose; it's the ability to manipulate the trucks.

244 Krisel Travis commented the fire code also addresses that because after so many feet, there has to be a turn-around.

245 Adam Castor indicated it was 150 feet. After 150 feet, there has to be a provision for the fire truck to turn around.

246 Kevin Hansbrow said that the reason that the fire code is the way that it is, is because like the problem that Woodland Hills has, they
247 really only have two accesses. It's people getting out that are the problem. It's not necessarily just the truck being able to turn around.

248 Paul Squires asked since there is future development, is it possible to do a dirt road?

249 Krisel Travis said they are hoping to do that. They are hoping to work with the adjacent property owner where there is an existing road
250 that accesses the house that sits on the Harris property and it acts as a driveway for another resident. They have looked at that. The
251 steepness has prohibited that. She doesn't know what the grade is. (15%) But the fire code also addresses grade-wise what would have
252 to be done. She is not saying that they are opposed to a second access, but a fire access – make it kind of a temporary provision and
253 allow them to explore those options. The problem is that there is a huge ravine on both sides of the subdivision so it is a problem.

254 Dayna Hughes said each commissioner needs to decide if they are okay with the current proposed code change and if there are any
255 suggestions that should be considered without getting any contingencies. She believes all the commissioners are in agreement that the
256 amendment states that an applicant can come in and ask for a longer road.

257 Adam Castor stated under the current fire code they can.

258 Dayna Hughes indicated that this is just step one and this is given to the applicant, instead of all of the conflicting codes and it is
259 confusing. The applicant will start their studies or applications upon the proposed code. Right?

260 Kevin Hansbrow indicated that the proposed code does not allow them more than 750 feet. They can't come in and get any special
261 consideration.

Dayna Hughes clarified that there are two issues that the planning commission has to vote upon – the proposed code amendment by LEI and the application from Elk Haven for 16 -30 lots.

Kevin Hansbrow indicated that he doesn't like that it doesn't allow for more than 750 feet.

Dayna Hughes thought that there was an exception.

Adam Castor clarified that the exception would be where terrain features and other physical obstacles make provision of a secondary access impractical.

Kevin Hansbrow asked if a secondary access could be as simple as a fire road or does that have to be a paved road.

Adam Castor said it would have to be an all weather surface and it would have to support the weight of a fire apparatus and so it could be maintained.

Kevin Hansbrow said if there is snow on the ground, most likely they aren't going to have to worry about the people escaping because if there is fire, the chances of it spreading to where the brush is on fire and they aren't going to be able to escape...

Kelly Liddiard said that can't be assumed. Somebody's propane bottle could explode and take out the houses on either side of it.

Kevin Hansbrow said that is not the issue with the access. It's not a probable situation.

Paul Squires said whether they are fighting one fire or three, he doesn't think it makes a big difference. There is a lot of equipment and people moving around.

Jason Bullard thinks that one of the major issues that with code requiring sprinklers in the homes is major. That's the reason they are there. That alone, he thinks it allows some openness to changing the code a little bit to help with the development and the growing of the city. He has heard so many situations where a lot of developments are limited on probable causes that are very unlikely to happen. Where should the line be drawn on probability.

Dayna Hughes said that what the city should go by is the general plan and in the general plan, there is a health, safety and welfare section. Does this follow the intent of what is in the General Plan? For the newer members, some information that was provided for fire sprinklers was that of the homes that had sprinklers, there were zero fatalities and in many cases, the sprinklers put out the fire. She would like to see some verbiage in the code amendment that gives the planning commission and the city council a little leeway.

Kevin Hansbrow asked if there is anywhere in there the actual international fire code available.

Adam Castor indicated the information the commission has is the entire fire code as it relates to single access roads. So far the recommendation is to recognize all aspects of that part of the code.

Kevin Hansbrow said that the fire code allows there to be exceptions, but the LEI proposed code does not.

Dayna Hughes said they would have to add verbiage.

Krisel Travis suggested removing the 750 feet. If the "not more than 750 feet" is removed, then the international fire code is being recognized and fixing the problems that exists in the other codes.

Adam Castor does not agree with that.

Kelly Liddiard said it also should be noted that Corbett Stephens, Building Official, and Seth Waite, Fire Chief recommended that it is approved the proposed way of LEI.

Kevin Hansbrow thinks that the professionals are going to always go with the stricter code.

Jason Bullard asked if the International Fire Code takes into consideration fire sprinklers.

Adam Castor replied it does.

Dayna Hughes read the following from the fire code "*One or two-family dwelling residential developments: Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access codes and shall meet the requirements of section D104.3. Exceptions: Where there are more than thirty dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code access from two directions shall not be required. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development as determined by the fire code official.*"

Adam Castor said in the HR-1 zone, in order to get thirty units there has to be almost a half a mile of single access road. So under the fire code, that is going to take special approvals.

Roger Dudley said that it has to be understood that cities develop one increment at a time. If the code is made too restrictive, then it doesn't allow for that too happen. There has to be a point or development will stop.

Dayna Hughes commented that is what they don't want to do. Development is how the city grows and lives.

Jason Bullard would like to add that if it looks very probable that that area will be developing then he thinks that should be taken into consideration as well.

Dayna Hughes said it looked incredibly probable about two years ago and then the economy tanked.

Krisel Travis said that the code changed too, which caused them to have to go back and rethink things.

Adam Castor said that the recommendations made from LEI are a good way of reducing the confusion between the conflicting codes.

He thinks that what has to be addressed is a consistent code that will eliminate that confusion and reduce the circling of applications. That was their intent with the proposed code amendment.

Dayna Hughes asked if Mr. Castor would recommend any exceptions.

Adam Castor said they strongly recommend not going beyond 750 feet for a number of reasons. Health, safety and welfare being the first and foremost. The fuel loads are high up there. Considering the sprinklers is a major advantage.

JASON BULLARD MOTIONED THAT THE PLANNING COMMISSION REWRITE THE CURRENT SINGLE ACCESS CODE TO SPECIFY WHETHER TO ALLOW FOR A LONGER ROAD. (Never seconded and wasn't voted upon)

Dayna Hughes agrees that the proposed code of 750 feet is too restrictive. She thinks that the hillside zone is very restrictive and she does believe the fire sprinklers are a mitigating factor.

Kevin Hansbrow said in the HR-1 code, doesn't it talk about the amount of clearing around their houses.

Adam Castor indicated that is actually in the Urban Wildland Interface code. There are some defensible space requirements that are listed in that as well.

Dayna Hughes asked if that is an overlay in the HR-1. (No) If a person lives in the HR-1 they don't have any specific clearing specifications as someone who lives out in a field.

Adam Castor said it is not technically an overlay, but the HR-1 zone does fall within the Urban Wildland Interface so those clearing requirements do apply.

Kevin Hansbrow asked if they also have exterior fire sprinklers in the hillside zone, wouldn't that make a huge difference.

Kelly Liddiard said the drawback to that is the cost.

Kevin Hansbrow said that he thinks the 750 feet isn't that bad. He thinks that exceptions should be allowed.

Jason Bullard doesn't disagree. He just thinks that it shouldn't be left so open to every situation being different.

Kevin Hansbrow said every situation is going to be different.

Jason Bullard said it is, but should the code be specific in every aspect.

Kelly Liddiard said 750 feet is the standard.

Adam Castor said that is what it comes down to is that it is to inconsistent right now.

Dayna Hughes asked if it would still be inconsistent if it was written exactly the way it is and added verbiage that said "exceptions can made through the proper application channels".

Adam Castor indicated that would be consistent because it would apply to all of the zones within the city and every development application.

Dayna Hughes said then the planning commission would hear each application, look at its merits specifically.

DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE CODE AMENDMENT WITH ALL THE CHANGES AS SUBMITTED BY LEI WITH AN ADDITION AT 2C WHICH WOULD BASICALLY READ "EXCEPTIONS CAN BE MADE ON THE LENGTH OF THE ROAD THROUGH THE NORMAL APPLICATION PROCESS". VOTE: YES - (6), NO - (1) RANDY JONES, ABSENT - (1) DAN STEELE

Kelly Liddiard said exceptions can be made to the ordinance 9-3-4B. Not necessarily, the road, but you are making it 2C so you can make exceptions to the entire code.

Dayna Hughes thinks it will open it up to be able to look at things, make decisions. If it is adopted the way it is, it is closing it off.

Commission member, Randy Jones, opposed because he thinks if there is a code that always has an exception, then there is always going to have people that are going to want to take that exception beneath their needs. There needs to be a code where that addresses what we want within the city and not leave it open to a lot of exceptions. If 750 feet doesn't work, then a length that works should be decided upon and put in the code.

ELK HAVEN E CODE AMENDMENT REQUEST

Adam Castor explained that Elk Haven E is requesting a code amendment to the amount of lots on a single access with some provisions that were negotiated with the city.

Krisel Travis indicated that the city approached them in January of 2010. There were some roadway provisions, and a waterline. They were asked to grade an access road over the tank line, reclaim the current access road, secure a right-of-way easement where the roadway goes off of Elk Haven property, and improve the roadway between intersection of Oak and Hillside Drive. They agreed to most of those, except the code only requires an 8-inch water line and the city requested a 10-inch line to the water tank, which is below the Elk Haven property. They said they were okay with doing the waterline with the cooperation with the other property owners, but the city would need to pay for the upsizing to 10-inch if wanted. They were okay to reclaim the road, but ask the city to help police it to keep ATVs off of it. Then they were to obtain the right-of-way easements to get down through the new access roads and the other properties. 30 lots was based on the fire code and it got what we needed. It also helps the neighboring property that is owned by the Harris Family. Without their participation, Elk Haven cannot agree to these negotiations. It's too much money. Thirty lots get Elk Haven what they need and gives the Harris' a few also. The way the code was written by Elk Haven, it allows the planning commission to approve exceptions.

Dayna Hughes explained some background on this code amendment request. The planning commission was told by the previous planner that Seth Waite, Fire Chief, and Corbett Stephens, Building Official, were ok with going from 16 lots to 30 lots. So the planning commission recommended approval to the city council with 30 lots. Between the time that it left planning commission and the time it went to city council, it was discovered that Seth Waite and Corbett Stephens did not agree with it. When it went to city council, there were disagreements over who said what. City council sent it back to the planning commission to look at it again.

Jason Bullard said that since the single access code was changed, that changes where their application is at now.

Adam Castor indicated that under that length of road, there is no way Elk Haven will be able to get 30 lots or even 16.

Jason Bullard said that is why there is no reason for Ms. Travis to even move forward if the city doesn't make a decision on the length of the road. Otherwise, they are not going to be able to afford to do the development with just 5-6 houses.

Dayna Hughes indicated that it is in Ms. Travis' best interest to now take the newly updated code and go back resubmit for the number of homes or is that something that the planning commission still needs to decide on?

Kevin Hansbrow said he still wanted to see what they could do.

Jason Bullard asked if the fire chief has the final say.

Adam Castor indicated the fire chief has to make a recommendation to the city council with the exceptions.

Jason Bullard said that if he doesn't make the recommendation, then what the planning commission did doesn't matter?

Adam Castor indicated that is not right.

Jason Bullard asked if the council could override the fire chief.

Dayna Hughes thinks the council is the final say on everything.

Kevin Hansbrow would like to see something come back to the planning commission with maybe another access or fire access. He would like to see the street layout with the turn-around for the fire truck.

Krisel Travis indicated that he would see all that in the final plat stage. They are just trying to get a code that would allow them to move to the next step.

Dayna Hughes said they can say anything that it doesn't have to be 16 or 30. It can be 25. But if any number is recommended, the previously recommended code will override it anyway.

KELLY LIDDIARD MOTIONED AND DEBBIE CLOWARD SECONDED TO TABLE THE ELK HAVEN CODE AMENDMENT REQUEST. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) DAN STEELE

Dayna Hughes indicated that if the city council approves the proposed code, then at the planning commission's next meeting they will look at Elk Haven's code change request. The city council could rewrite it altogether.

PLANNING COMMISSION MEETING MINUTES FOR AUGUST 12, 2010

Corrections were suggested and the changes were made to the minutes of August 12, 2010.

DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO APPROVE THE AUGUST 12, 2010 PLANNING COMMISSION SPECIAL MEETING MINUTES AS OUTLINED. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) DAN STEELE

CITY COUNCIL UPDATE

Erin Clawson reported that the city council talked about an administrative judge for the city and code enforcement, but nothing has been decided.

Dayna Hughes asked about the fence around the tank.

Erin Clawson indicated they had been doing more time sensitive things because of weather and temperatures. She didn't have an update of the fence. She indicated that the fence will go around the bottom perimeter, but it doesn't go out to the road.

Planning Commission Coordinator indicated that her understanding was that Corbett Stephens was working on it.

Paul Squires also commented that about 250 clumps of gamble oak acorns have been planted. He said there are more to be planted.

OTHER BUSINESS

Dayna Hughes commented that she heard about a new law for how fire sprinklers are charged and said she was going to pass on the information to the planning coordinator to pass on to the fire chief. There were two instances where the line pressure of the air was charged too high and it acted as an accelerant and fueled the fire.

Dayna Hughes also indicated that she received an email from Erin Clawson and Derrek Johnson regarding traffic calming devices.

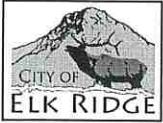
Erin Clawson further explained that Deputy Butters and her presented some different ideas for traffic calming, which would be additional stop signs in areas that he felt didn't have any traffic control that are a hazard; painting stop lines at stop signs. The budget for something like this for the remainder of the fiscal year is around \$2000. They did briefly discuss speed tables and residential raised crosswalks, which she does have pictures that she will bring next time. She hopes to have some kind of plan and budget that is being worked towards for traffic calming.

Kevin Hansbrow asked if the deputy writes many tickets.

Erin Clawson indicated that the deputy has written 47 tickets since June. There is a traffic study that she will make copies for the planning commission. The deputy borrowed a trailer that did a complete study of Elk Ridge Drive and Olympic and within the six days that it was there, there was a reading of over 10,000 cars. She would like the planning commission to look at the General Plan and see where speed tables would be appropriate if the city gets to that point. Stop signs are a given and she didn't think anyone on the council were opposed. There was some opposition on where they should be placed because of winter weather. She is just asking for support from the planning commission.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:50 p.m.


Planning Commission Coordinator



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 11 November 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

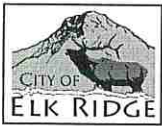
COMMISSION MEETING AGENDA

CANCELLED

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 04 November 2010 and delivered to each member of the Planning Commission on 04 November 2010.

Planning Commission Coordinator: *Marissa Bassin* Date: 04 November 2010



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION - AMENDED

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 9 December 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

COMMISSION REGULAR MEETING AGENDA

7:00 pm OPENING ITEMS

Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION (none)

7:05 OTHER ACTION ITEMS

1. Simmons Conditional Use Permit – Chickens..... *see attachment*
2. Code Amendment – single access roads..... *see attachment*
3. Haskell Assisted Living Facility *see attachment*

7:40 DEVELOPMENT CODE / STANDARDS REVIEW

4. Traffic Calming/General Plan Discussion (Review General Plan) *no attachment*

7:55 PLANNING COMMISSION BUSINESS

5. Review and approve minutes of 10/14/2010 and 10/28/2010 Commission Meetings..... *see attachment*
6. City Council Update
7. *Other Business*

ADJOURNMENT

CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 2 December 2010 and delivered to each member of the Planning Commission on 2 December 2010.

Planning Commission Coordinator: *Marianna Basin* Date: 2 December 2010 Amended date: 6 December 2010

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ELK RIDGE PLANNING COMMISSION WORK SESSION

December 9, 2010

TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, December 9, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Randy Jones, Debbie Cloward, Paul Squires, Kelly Liddiard, Jason Bullard
Absent: Dayna Hughes, Kevin Hansbrow, Dan Steele
Others: Marissa Bassir, *Planning Commission Coordinator*
Adam Castor, *LEI Planner*, Seth Waite, *Fire Chief*, Lucretia Thayne, Jamie Towse, Lee Haskell

OPENING ITEMS

OPENING

Kelly Liddiard, Co-Chair, welcomed at 7:10 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

APPROVAL OF AGENDA

The agenda was reviewed and no changes were made.

SIMMONS CONDITIONAL USE PERMIT

Adam Castor provided a background of the permit application. Last meeting, it was recommended for denial based on the current violations that were listed and discussed those issues. It was voted upon that if Mr. Simmons was in compliance with his chicken coop location by November 11, he would be allowed to resubmit an application and a site plan that showed compliance, he wouldn't have to pay an additional application fee. He did submit on November 11 a new site plan that does show compliance of the location of the chicken coop.

Kelly Liddiard said he remembered that it needed to be moved closer to his house.

Adam Castor indicated that was the case and it was moved closer to his house.

Randy Jones asked if there was any issue with the number of chickens.

Adam Castor said there weren't any issues.

Planning Coordinator indicated that Corbett Stephens is filling in as the code enforcer while Ray Brown is out of town. It was also suggested that if the motion is to approve the application, have a contingency to have the code enforcer to go look at the coop.

JASON BULLARD MOTIONED AND RANDY JONES SECONDED TO APPROVE THE SIMMONS CONDITIONAL USE PERMIT WITH A CONDITION THAT IT BE CHECKED AND VERIFIED THAT IT MEETS THE CODE. VOTE: YES – ALL (5), NO – NONE, ABSENT – (3) DAYNA HUGHES, DAN STEELE, KEVIN HANSBROW

SINGLE ACCESS ROAD CODE AMENDMENT

Adam Castor indicated that this was discussed at the last planning commission meeting. It is based on recommendation from LEI to make a code amendment regarding single access roads. The TRC has reviewed and recommended that they be approved. During the last planning commission meeting this was discussed and there was a motion to recommend to the city council that they adopt the code amendments as recommended by LEI with an additional exception that the overall length of the road could be discussed through the normal application process. It was recommended by LEI a length of road not greater than 750 feet. It was discussed and decided that the 750 feet was too restrictive. The motion was made and voted on, however, the item was not properly noticed on the agenda and it was sort of mixed in the with the other code amendment request so the motion and the vote are null and void. It needs to be voted on again. The recommended code amendment from LEI supports the Transportation element of the General Plan. He read goal #2 from the Transportation element – "Minimize impact to our unique natural environment by requiring placement of facilities in the most suitable, lowest impact locations." With regard to roads, following the contours, minimizing cuts and fills, etc. Objective B: "Dual access to areas in the higher hillside areas must be obtained." Lastly, Implementation strategy says "DO NOT ALLOW ANY DEVELOPMENT in the upper part of the city without dual access." The code amendment fully supports the general plan because it requires dual access. There is already a proposed exception – steep terrain or natural geographic, geologic. "Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission."

Jason Bullard thought that if the planning commission agrees to that amendment, they are pretty much stopping the development of that area from here on out.

Adam Castor said they are not stopping it, but limiting any single access road, dead end, or cul-de-sac at 750 feet, which is in compliance with the International Fire Code, as well. Beyond 750 feet, according to the fire code, requires special approval. It is treating each application on a case by case basis; that there is sufficient evidence for reasoning to allow a road beyond 750 feet. The motion was made to include an additional exception that the length of road beyond 750 feet be included in that language. It wasn't specifically written, but the fire code basically does that. LEI is trying to eliminate any confusion between the fire code and the city code whether it is in the HR-1 zone or the Urban Wildland Interface. It is just a code amendment to address the single access. Jason Bullard asked if this language is preventing the developer up in the HR-1 zone from developing more houses.

Adam Castor said it is preventing anything beyond 750 feet without special approval.

Jason Bullard said that if there is a meeting and they grant special approval, the planning commission cannot approve for more than sixteen lots.

Adam Castor indicated that the planning commission can recommend it and the city council can approve it.

Jason Bullard was concerned that to get a dual access road, the other subdivisions has to be developed.

Adam Castor said they are trying to eliminate a lot of piece meal development, stub roads that may have the intention of going and connecting elsewhere, but terrain features may not allow it. There are a lot of things that are a factor - it jeopardizes civilian evacuation. It jeopardizes emergency response. It causes problems for school buses.

Kelly Liddiard confirmed that with the special exceptions, if that were to be approved, it comes with all the things, such as turn-arounds, etc.

Paul Squires asked if the fire chief approved it.

Adam Castor indicated that it was discussed at TRC where the fire chief was in attendance.

Paul Squires asked if there were any special recommendation like making the turn-around larger.

Adam Castor answered that there was anything beyond that because the fire code does provide minimum standards for putting in whether it be a hammerhead or a cul-de-sac at certain distances.

Randy Jones confirmed that if a development occurs and they only have a single access, the road can be no longer than 750 feet unless there is an exception.

Adam Castor said that is the exception. The language states that there needs to be a dual access provided and the exception is that if terrain features make that impractical, then the length of a single access road up to 750 feet may be allowed. The initial code amendment supports the general plan by requiring dual access for any new developments in the HR-1 zone and anything beyond that in the Urban Wildland Interface.

Mr. Lee Haskell asked what is considered upper Elk Ridge.

Adam Castor indicated anything in the HR-1 Zone and the urban wildland interface zone. He indicated on a map the area that is considered upper Elk Ridge.

The previous motion was reviewed in the October 28, 2010 minutes.

"Dayna Hughes motioned and Kevin Hansbrow seconded to recommend to the city council to adopt the code amendment with all the changes as submitted by LEI with an addition at 2C, which would basically read "exceptions can be made on the length of the road through the normal application process". Vote: yes - (6), No - (1) Randy Jones, Absent - (1) Dan Steele

KELLY LIDDIARD MADE A MOTION AND PAUL SQUIRES SECONDED TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE CODE AMENDMENT WITH ALL THE CHANGES SUBMITTED BY LEI. VOTE: YES - (5), NO - (1) JASON BULLARD, ABSENT - (3) DAYNA HUGHES, KEVIN HANSBROW, DAN STEELE

Commissioner Jason Bullard explained his vote that there needs to be a better way to look at it. He is looking at it from a developer's standpoint. If that property is owned and it is probably restricted to build on if the developer can only get 16 lots. His thought is that the developer is going to be responsible for the cost if anything has to be done; if it requires some grades, etc. He feels that if the developer is restricted and feels they can't do anything with the property then who will buy it. He is concerned about the development of that area and whether it is possible or not with the proposed code.

9-3-4: ROADS:

B. Exceptions: Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission.

10-9A-13-11 SECONDARY ACCESS:

~~Any development over sixteen (16) building lots must have a secondary public access street (Ord. 08-4, 2-26-2008)~~

All development in the urban/wildland interface area HR-1 Hillside Residential 1 Zone shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two (2) access points. Looped roads with a single access are not allowed.

A. Exceptions: Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission.

B. Specifications: All roads shall conform with the city development code, subsection 10-15C-2A of this code, streets and roads. (Ord. 69-12-10-10, 12-10-1996).

HASKELL ASSISTED LIVING FACILITY

Adam Castor provided a background on the application that was discussed at the previous planning commission meeting. On October 22, 2010, the TRC reviewed the application and the drawings provided and the application was complete, but at that time there were some issues that were brought up mostly regarding the number of calls for an ambulance that may be generated by a facility. The response time was a big concern. It then turned into a discussion of whether Elk Ridge could provide an ambulance service. If so, what would be needed to do that; what fees? Impact fees to cover the cost of providing that service. If there needed to be additional volunteer EMT on staff to operate the ambulance. It was recommended by the TRC that the planning commission table a decision on this application until further information is available to address some of those concerns. At the planning commission meeting on October 28, 2010, a couple of additional items were discussed - the number of emergency response calls to similar assisted living centers in the area and determine whether the response time is going to be detrimental to residents of the facility. Since the last planning commission

meeting, Seth Waite, Lee Haskell, and Kelly Liddiard have compiled some information in response to the questions and concerns brought up by the TRC and the planning commission. It was talked about at a staff level and it was decided to move it to an action item so the planning commission could take action on it because if the planning commission feels that the information provided tonight is sufficiently addressed, then the issues could be remanded back to the TRC to take a further look or they could make a vote if there is enough information.

Kelly Liddiard asked who supplied the invoice from Utah Valley Dispatch.

Planning Coordinator replied that there is only a flat fee for a year, not per call.

Seth Waite, Fire Chief indicated that is for the paging service. No matter what they do, the city only pays that flat fee amount. He said that if it gets to the point where there are so many calls they would then evaluate it and if they need to charge more, but right now it is a flat amount. The fees have never been an issue.

Kelly Liddiard reviewed his research. He contacted four different assisted living centers and Hearthsides located in Spanish Fork was the most comparable to what is being proposed. In 2009, they had four medical calls and in 2008, they had nine medical calls. They did have some other calls for law enforcement. With 31 beds in two years time, 13-14 calls it is not concerning.

Mr. Haskell explained when he was talking to some of the facilities, the feeling he got was that because the residents have 24-hour care, CNA or RN, a lot of these people are in contact with them if they are sick or an emergency and a lot of the time the issue is taken care of right there before an emergency arises. He said the facilities did not see an increase in calls.

Kelly Liddiard said there were memory units in some of the facilities and he asked if Mr. Haskell was planning on having a unit for dementia and Alzheimer's.

Mr. Haskell replied there would not be any memory unit.

Kelly Liddiard said that wouldn't be a medical problem, but more of a law enforcement problem.

Debbie Cloward asked what the level 1 and level 2 mean.

Mr. Haskell explained that type 1 assisted living is where the resident should be able to evacuate the building on their own without assistance. Type 2 assisted living is where the resident needs at least one person to help them evacuate the building.

Randy Jones commented that there would have to be ten assistants to help them out.

Mr. Haskell said not necessarily. There could be one person assisting multiple residents, obviously not at the same time. So they are proposing a type 1/Type 2 facility. Those classifications are the state's classifications.

Randy Jones commented that it is not necessarily the ability to take care of themselves, but the ability to evacuate the building.

Mr. Haskell indicated if the resident can't get out on his own, then that resident would require more help than an assisted living facility.

Randy Jones said that Seth Waite, Fire Chief, made a comment in his remarks about the state agency having jurisdiction over whether this facility could be placed in the area. He asked Mr. Haskell if he asked the state for approval to build a facility in Elk Ridge.

Mr. Haskell indicated he has not contacted the state because he didn't want to waste any time if he wasn't going to get a conditional use permit from the Planning Commission.

Randy Jones commented that there was another comment about the Beehive house having first right of refusal. He doesn't know how that works.

Seth Waite, Fire Chief has not been able to verify that. Mr. Waite contacted the owner of Beehive Assisted Living, Craig Elder and he was under the understanding that Beehive owned the rights in Southern Utah County to do assisted living centers. Mr. Waite indicated it is rumor right now and he can't verify it. The owner also said there isn't a moratorium on assisted living facilities. The only moratorium with the state is on nursing centers and if there was going to be a Medicare-aided center; it has to be 150 beds or more. Or if anyone is trying to convert to Medicare subsidized centers, they cannot do it. Mr. Waite also talked with the Kami at the Utah Department of Health, Health Facilities Licensing, Certification and Resident Assessment Division and she said they have to have the plans and application submitted to them before it ever goes to the city. So it does not concern the city at this point.

Adam Castor explained that the conditional use permit is determined by the city. The question is whether the condition is right for the parcel. Mr. Haskell will have to go through the process with the state in order for him to come to the city with a site plan. A conditional use permit does not guarantee Mr. Haskell anything; he is not vested. There are a lot of other approvals he will need to obtain prior to building the facility.

Jason Bullard asked Mr. Waite, Fire Chief, if he had any concerns about the facility endangering anyone for its location.

Seth Waite, Fire Chief said he didn't have any concerns.

Jason Bullard then asked Mr. Haskell when possible tenants fill out their application is there something in there where it tells the applicant the distance of the hospital and estimated response time and they sign it and understand it.

Mr. Haskell indicated he would have that and that it was part of the state's requirements.

RANDY JONES MOTIONED AND JASON BULLARD SECONDED TO APPROVE THE CONDITIONAL USE PERMIT FOR THE ASSISTED LIVING CENTER. VOTE: YES – ALL (5), NO – NONE, ABSENT – (3) DAYNA HUGHES, KEVIN HANSBROW, DAN STEELE

TRAFFIC CALMING/GENERAL PLAN DISCUSSION

Lucretia Thayne presented some articles on traffic control as opposed to traffic calming. She indicated there were studies done where an engineer found that the less control with stop signs, etc. lead to fewer accidents.

Kelly Liddiard doesn't think that is true. The problem is if there is an uncontrolled intersection, the city becomes liable in an accident. That's what needs to be prevented.

Jason Bullard asked if Elk Ridge Drive has ever been striped.

Debbie Cloward indicated that at one time, there was stripes where the bus stops down on Gooseneast Drive and Elk Horn Drive. She thinks it was good. The other thing they did was put up a caution sign for kids and for awhile there was flashing lights on it.

Jason Bullard said he meant striping to make lanes.

It was commented that there was striping at one time, but it has long since been covered by asphalt. If the lines are there and the road seems narrower, people will drive slower.

198 Adam Castor indicated there are some references for traffic calming in the General Plan and requiring developers to implement traffic
199 calming devices in new developments. The objective is to study some alternatives or some solutions to the traffic-calming measures.
200 Under the General Plan in the transportation element Goal #3 states "Minimize impact to residential neighborhoods by adhering to the
201 road classification system layout and city requirements" and one of the implementation strategies is to "Study the best methods of traffic
202 calming that will work in Elk Ridge".

203 Some traffic calming tools were discussed, such as painting lines, bulb-outs at intersections, speed bumps, speed humps, speed tables,
204 stop lines at stop signs, additional speed limit signs and flashing yellow lights within school zones.

205 Paul Squires also suggested putting in reflectors on the asphalt in addition to the striping.

206 It was suggested to do a speed study in the research before any plan is created.

207
208 **APPROVAL OF 10/14/2010 AND 10/28/2010 PLANNING COMMISSION MEETING MINUTES**

209 There were not any changes made to the planning commission meeting minutes.

210
211 **PAUL SQUIRES MADE A MOTION AND RANDY JONES SECONDED TO APPROVE MINUTES OF 10/14/2010 AND**
212 **10/28/2010 PLANNING COMMISSION MEETINGS. VOTE: YES – ALL (5), NO –NONE, ABSENT – (3) DAYNA HUGHES,**
213 **KEVIN HANSBROW, DAN STEELE**

214
215 **CITY COUNCIL UPDATE**

216 There was not a city council member present to provide an update.

217
218 **OTHER BUSINESS**

219 There was not any other business.

220
221 **ADJOURNMENT** – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:10 p.m.

222
223 
224 Planning Commission Coordinator
225